

С. А. Шевелёва

АНГЛИЙСКИЙ ДЛЯ ЮРИСТОВ

2-е издание

English
for
lawyers

2nd edition



Английский для юристов

S.A. Sheveleva

English for lawyers

Second Edition

Textbook



Москва • 2009

С.А. Шевелёва

АНГЛИЙСКИЙ для юристов

Второе издание,
стереотипное

*Рекомендовано Министерством общего и
профессионального образования Российской Федерации
в качестве учебного пособия для студентов
высших учебных заведений, обучающихся
по юридическим специальностям*

*Рекомендовано Учебно-методическим центром
«Профессиональный учебник» в качестве учебного пособия
для студентов высших учебных заведений, обучающихся
по направлению «Юриспруденция» (978506)*



Москва • 2009

УДК 811.311(973.8)
ББК 08.3Англ-913
Ш37

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Ш37 Азбука для юристов: учеб. пособие для студентов
вузов, обучающихся по юридическим специальностям /
С.А. Шерин. — 2-е изд., стереотип. — М.: ЮНИТИ-
ДАНА, 2009. — 367 с.

ISBN 978-5-238-01190-5

Агентство СР РГБ

В пособие включены задания по фонетике и грамматике на основе
специальной профессиональной лексики.

Основной материал содержит тексты со специфичными лексическими и
разнообразными употреблением (словами, словосочетаниями, творческими
и т.д.). Тематика текстов: уголовные преступления и законодательство,
жизнь и общественная жизнь, борьба с преступностью, международное
право, жизнь при жизни, творчество, искусство, интернет и т.д.
Тексты основаны на фактических материалах, журналистских статьях, доку-
ментах и т.д.

В учебное пособие включены детальные рассказы известных аме-
риканских и английских писателей (рассказы и эссе) и рассказы известных
профессионалов (журналисты, писатели и т.д.), а также уро-
ки-эссе на тему: «Правда и ложь», «Правда и ложь», «Правда и ложь».

Пособие позволяет развить и закрепить навыки чтения, перевода, ус-
воения и использования профессиональной лексики. Пособие
было разработано в соответствии с требованиями к учебным пособиям.

ББК 08.3Англ-913

ISBN 978-5-238-01190-5

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Учебное пособие

Санкт-Петербургский Международный

**Английский
для юристов**

**Редизайнер Г.А. Кольев
Оформитель-макет Н.В. Савельев**

Санкт-Петербургское государственное издательство
№ 77.99.68.953.В.083315.05.07 от 08.03.2007 г.

Подписано в печать 06.12.2006 (к галтелям рз-файлов). Над. № 895
Формат 60×90 1/16. Бумага белая. Усл. печ. л. 31,0. Уч.-изд. л. 23,9
Тираж 3000 экз. Заказ

ООО «ИЗДАТЕЛЬСТВО ЮНИТИ-ДАТА»
Генеральный директор **Д.Н. Зинин**

123298, Москва, ул. Никитинская, 1
Тел.: 8-499-740-60-14, Тел./факс: 8-499-740-60-15
www.unty-daty.ru E-mail: info@unty-daty.ru

Отпечатано в ОАО РИТ «Ульяновский Дом печати»
432988, г. Ульяновск, ул. Гончарова, 14

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ОТ АВТОРА

Учебное пособие *English for Lawyers* создано для будущих юристов — студентов юридических вузов и факультетов. Пособие учитывает требования к обязательному минимуму содержания основной образовательной программы подготовки юриста по специальности «Юриспруденция».

Пособие ориентировано на развитие устной и письменной речи на основе профессионально-ориентированной тематики:

закон и право
конституция
права человека
суды и судьи
уголовное право
семейное право
право собственности
Европейский Союз
и т.д.

Тексты представляют собой небольшие отрывки из различных аутентичных материалов: газет, документов юридического характера, деловой переписки. В пособие включены представления диалогической речи, воспроизводящая ситуации общения на занятиях в *Devere's School of English* (Лондон), а также на семинарах для студентов юридических факультетов университетов Англии.

В каждом разделе дано небольшое количество специально отобранных грамматических правил с необходимыми и разнообразными упражнениями. Это артикли, времена глаголов, страдательный залог, модальные глаголы, инфинитив, причастия, герундий, инфинитив в различных формах и т.д.

Большое внимание уделяется словосложению на базе лекции общего и профессионального характера. Эти подразделы содержат краткие правила и небольшие упражнения.

Определенная часть упражнений направлена на отработку звуков, ударения, интонации.

К текстам даются упражнения для развития устной (дискуссия, презентация, сцен, краткие диалоги и т.д.) и письменной (переводы, аннотации, резюме и т.д.) речи.

Многие разделы содержат планы и карты на проверку усвоенного грамматического и лексического материала.

В конце пособия приводятся ключи к заданиям и англо-русский словарь юридических терминов и понятий.

Работа по данному учебному пособию предполагает следующую распределение учебных часов:

прочтение материала пособия — 220 часов (14 часов x 20 разделов)

аудиофонные занятия — 40 часов (2 часа x 20 разделов)

контрольные работы — 20 часов (1 час x 20 разделов)

Для аудиофонных занятий рекомендуется использовать любой оригинальный лингвфонный курс страноведческой направленности.

Для контрольных работ рекомендуется использовать тот материал урока, который вызвал у студентов наибольшие трудности в усвоении. При этом лучше использовать виды заданий, предлагаемых в пособии.

Желаем вам больших успехов в вашей работе!

Section 1: Grammar Articles

Section 2: Texts

- 1 Faculty of law
- 2 Studying law at Cambridge
- 3 Moscow State Law Academy

Section 3: Speaking English Students

Section 1 Grammar

Articles

The Indefinite Article

a/an

The Definite Article

the

Основным правилом употребления артиклей

1. The Indefinite Article (неопределенный артикль) употребляется с неисчисляемыми существительными в единственном числе, когда не дается никаких или существенных характеристик:

He is a student.

He is a very good student.

He is an intelligent student.

2. The Definite Article (определенный артикль) употребляется:

- (1) с неисчисляемыми существительными в единственном и множественном числе, если речь идет о конкретном лице или предмете

The student is in the lecture now.

The students of our group are in the library now.

- (2) с исчисляемыми существительными в единственном числе, когда речь идет о конкретном или единственном объекте

The student is a person who is studying at a college, polytechnic or university.

- (3) с неисчисляемыми существительными, если речь идет о каком-либо месте, свойстве или явлении, описательных местах, времени или обстоятельствах

The atmosphere was very friendly at the exam.

Артикли не употребляются

- (1) с неисчисляемыми существительными во множественном числе, когда им дается название или общая характеристика

They are *lazy*.

They are *very hard-working students*.

- (2) с неисчисляемыми существительными, если им дается название или общая характеристика

Alcoholism can mean *feelings*.

- (3) с большинством имен собственных:

Russia, Moscow, London, Oxford, Pete Brown

no *the Russian Federation (the RF)*
the United Kingdom (the UK)
the United States of America (the USA)

- (4) с названиями университетов

Cambridge University, Oxford University, London University

no *the University of London*
the University of Moscow
the Lomonosov University

- (5) с наименованиями наук и профессий:

law, literature, mathematics, history, geography, medicine

no *the law of the RF*
the English literature of the twentieth century

- (6) с неисчисляемыми существительными в единственном числе, если они даны с указанием номера:

Exercise 1, Unit 3, Section 5, Group 2, page 33

- (7) с неисчисляемыми существительными в единственном числе, если они даны в заголовке

Faculty of law

- (8) с неисчисляемыми существительными в единственном числе, употребляемыми после определенных глаголов или предлогов

to go to school / university / college

to be at school / university / college

to go by bus, to be on business

- (9) с наименованиями языков:

English, French, German, Russian

in English, to speak English, to translate from English into Russian

no *the English language*
the French language
the Italian language
the Russian language

Exercise 1a. Use the right form of the Indefinite Article (a/an), read and translate the nouns:

... unit	[ˈjuɪt]	... faculty	[ˈfækəlti]
... law	[lɔː]	... university	[ˌjuːnɪˈvɜːsəti]
... section	[sekʃən]	... student	[ˈstjuːdnt]
... article	[ˈɑːtlɪk]	... teacher	[ˈtiːtʃə]
... text	[tekst]	... exercise	[ˈeksəɪzɪz]
... language	[ˈlæŋɡwɪdʒ]	... group	[ɡrʊp]
... dictionary	[ˈdɪkʃənəri]	... college	[ˈkɒlədʒ]
... word	[wɜːd]	... question	[ˈkwɛstʃən]

b. Read the nouns used with the Definite Article paying attention to the sound [ð] and translate the words:

the unit	the group	the exercise
the units	the college	the language
the law	the word	the questions
the faculty	the words	the dictionary

Exercise 2 Underline the Articles, explain their usage, read and translate the sentences:

- 1 This is Unit One. The unit speaks about studying law. There are three sections in the unit. There are three texts in the unit.
- 2 I am a student. I am a law student. I am studying international law. He is a student too. He is a very good student. We are studying in the same group.
- 3 They are students. They are students of an English college. I don't know the name of the college.
- 4 She is studying an oriental language. It is Japanese. It is a very difficult language. Do you know the Japanese language? I don't know Japanese.
- 5 It is a very interesting book. Have you read the book? Who is the author of the book? The book is really very interesting.
- 6 It is a very strange word. Is it an English word? I have never come across the word. You may find the word in a dictionary.
- 7 I have got a question. What is the question? I am afraid I cannot answer the question. It is a very difficult question.

Exercise 3 Choose the correct variant, read and translate the sentences (выберите правильный вариант, прочтите и переведите предложения):

- 1 It is (a, an) English university.
- 2 It is (a, the) very old university.
- 3 He is a professor at (the, →) London University.
- 4 She is a student at (an, the) University of London.
- 5 He is at (a, →) university now.
- 6 When he leaves (a, →) school he wants to go to (the, →) university.
- 7 Do many people go to (the, →) university in your country?
- 8 If I am not mistaken (the, →) Moscow State University is the oldest university in Russia.
- 9 (The, a) university is a multi-storyed building.
- 10 Excuse me, where is (the, →) Linguistics University?

Exercise 4 Read and reproduce the text paying attention to the Articles:

Oxford University is the oldest University in Britain. Oxford University was founded in the first half of the thirteenth century. There are about 12,000 students in Oxford, and the University and the town live happily side by side. Oxford University is located in the town of Oxford. The town is rather small, but very beautiful.

Exercise 5 Translate into English:

- 1 Я студент. _____
- 2 Я изучаю английский язык. _____
- 3 Мне нравится английский язык. _____
- 4 Она сейчас не живет в институте. _____
- 5 Это Московский государственный университет имени М.В. Ломоносова. _____
- 6 Он юрист. _____
- 7 Он очень опытный юрист. _____

Section 2 Texts

Faculty of law

At an English university Law is divided into different subjects or 'branches' for study. Here is a list of subjects students study in the Law Faculty at Cambridge University:

UNIVERSITY OF CAMBRIDGE FACULTY OF LAW

Choice of subjects

The papers for the Law Tripos, which are divided into Groups I-IV, are as follows:

Group I

- Paper 1 Roman Law
- Paper 2 Constitutional Law
- Paper 3 Criminal Law
- Paper 4 Law of Tort

Group III

- Paper 9 Administrative Law
- Paper 10 Family Law
- Paper 11 Legal history
- Paper 12 Criminology
- Paper 13 Criminal Procedure
and Criminal Evidence
- Paper 14 Equity

Group II

- Paper 5 Law of Contract
- Paper 6 Land Law
- Paper 7 International Law
- Paper 8 Roman Law

Group IV

- Paper 15 Commercial Law
- Paper 16 Labour Law
- Paper 17 Principles of Conveyancing Law
- Paper 18 Company Law
- Paper 19 Contract and Tort
- Paper 20 Conflict of Laws
- Paper 21 E.U. Law
- Paper 22 French Law
- Paper 23 Jurisprudence

Vocabulary

choice (tʃɔɪs) выбор; to choose (tʃuːz) выбирать

Three (ˈθriː) экзамен для получения степени (в Кембридже)

paper папье; письменная работа; научный доклад; декларация

legal (lɪɡl) юридический, правовой, законный, логический

law гражданское право; уголовное, деликт

evidence (ˈeɪdɪns) самостоятельное показание, уличен, доказательства

equity (ˈekwɪti) справедливость, право справедливости

to swear (tə sweɪ) клясться; swearing (ˈswɪərɪŋ) клятва

swearing (ˈswɪərɪŋ) клятва; swearing (ˈswɪərɪŋ) клятва; swearing (ˈswɪərɪŋ) клятва; swearing (ˈswɪərɪŋ) клятва

Exercise 6 Match the words and their transcription, read and translate the words:

law	[lɔː]	branch	[ˈbrʌnʃ]
lawyer	[leɪ]	Cambridge	[ˈkæmbrɪdʒ]
legal	[lɪɡl]	group	[ɡruːp]
flouty	[flaʊti]	paper	[ˈpeɪpə]
subject	[ˈsʌbdʒɪkt]	labour	[ˈleɪbər]

Exercise 7 Read the following paying attention to the sound [ð] and translate the words into Russian:

the choice	the branch	the evidence
the subject	the papers	the law flouty
the choice of subjects	the law papers	the town

Exercise 8 Read the words paying attention to the stress:

uni'versity	inter'national	ad'mini'stration
consti'tution	juris'prudence	ad'mini'strator
consti'tutional	crimi'nology	psy'chology
ad'min'istrative	soci'ology	termi'nology

Exercise 9a. Match the English and Russian equivalents:

Roman law	древнее право
law of tort	уголовное право
commercial law	земельное право

E.U. law	римское право
labour law	право Европейского Союза
company law	торговое право
land law	право, регулирующее деятельность акционерных обществ

b. Read the words and translate them into Russian:

principles of the law	criminology
conflict of laws	criminal procedure
convincing law	criminal evidence
law of contract	legal history

c. Translate into English:

конституционное право	_____	договорное право	_____
международное право	_____	семейное право	_____
уголовное право	_____	административное право	_____

Exercise 10 Mark the meaning in which these words are used in the text:

paper	буллетень	branch	ветка
	документ		отрасль
	научная работа		факция
subject	тема	study	изучение
	кредит, дисциплина		наука
	водный		научная работа
	комплекс		рабочий кабинет
	групп		

Exercise 11 Explain the use of Articles, read and translate the sentences:

- 1 We see a list of subjects at the Faculty of Law at Cambridge University.
- 2 Law is divided into a few branches.
- 3 The papers are divided into five groups.
- 4 Group One comprises four papers.

- 5 Group Two includes four papers as well.
- 6 Roman Law is divided into two parts.
- 7 Paper Thirteen deals with Criminal Procedure and Criminal Evidence.
- 8 I don't remember with what subject Paper Fourteen deals.
- 9 Paper Nineteen is concerned with Contract and Tort.
- 10 Paper Twenty Three is the last in the list.

Exercise 12. Use the right Articles where necessary, read and reproduce the text:

... Cambridge is one of ... towns of ... East Anglia. This is only ... small town, but ... University is one of ... biggest in ... country. ... University of Cambridge is famous all over ... world. ... Cambridge University was established in ... second half of ... thirteenth century while ... Oxford University was founded in the first half of ... same century.

Now both ... men and ... women study at this University. There are more than 20 colleges in ... University. ... oldest college of ... University is Peterhouse.

Exercise 13a. Read and translate into Russian:

- 1 The papers are as follows: ...
- 2 The subjects are as follows: ...
- 3 His answer was as follows: ...
- 4 The evidence was as follows: ...
- 5 The subjects are as follows: ...
- 6 Read the following questions: ...
- 7 Translate the following sentences into English: ...
- 8 Spell the following words: ...
- 9 Do the following exercises for our next lesson: ...
- 10 Remember the following rules: ...

b. Translate into English:

- 1 Вот список предметов, которые они изучают.
- 2 Они изучают следующие предметы: ...
- 3 В группу 3 входят шесть тем.
- 4 Группе 4 необходимо помнить эти.

5. Темы делятся на четыре группы.
6. Он изучает право в Кембридже.

Exercise 14 Read the text and answer these questions:

1. What subjects does Group One deal with?
2. What branches does Group Two cover?
3. What are the subjects of Part Three?
4. What branches is Part Four concerned with?

Studying law at Cambridge

The law course at Cambridge University gives a good basis in the principles of law from an academic rather than a practical point of view. Many undergraduates who read law went to practice in future. Others went to go into administration, industrial management or accountancy. In the first year, undergraduates reading law for three years study Roman Law, Constitutional Law, Criminal Law, and the Law of Tort.

In the second year, five subjects are studied. The choice of subjects is wide – from Administrative Law to Roman Law. Most undergraduates take Law of Contract and Land Law as two of their papers.

In the third year, five subjects are studied. An undergraduate may study Property Law (including Trusts and Conveyancing Law), Commercial Law, Public Law (including Administrative Law and E.U. Law), or in more academic and sociological aspects of law (such as Legal History, Criminology, Labour Law, and Jurisprudence). Candidates may also participate in the seminar course, submitting a dissertation in place of one paper.

Candidates for the postgraduate LL.M take any four papers selected from such branches as Legal History, International Law, English Law, Civil Law, Public Law, and Comparative Law and Legal Philosophy.

Vocabulary

from this point of view с этой точки зрения

to graduate from university [ˈɡrædʒueɪt] закончить университет

undergraduate [ˌʌndəˈɡrædʒueɪt] студент средних и старших курсов

postgraduate [ˌpɒstˈɡrædʒueɪt] студент старших курсов, аспирант

accountancy [a'kauntənsi] бухгалтерское дело
 property ['prɒpəti] имущество, собственность
 to participate [pɑ:'tɪsɪpeɪt] участвовать
 to submit [səb'mɪt] представлять на рассмотрение
 LL.M. (Legum Magister Lex) магистр права
 comparative [kəm'peɪrətɪv] сравнительный

Exercise 15 Read and translate these international words:

course	to practise
academic	basic
to select	industrial
principle	management
public	civil
candidate	expert
seminar	dissertation
philosophy	practical

Exercise 16 Read and translate the words having the same roots:

to practise	principle	academy	base
practice	principal	academic	basic
practical	principality	academician	basal

Exercise 17 Use the correct Article where necessary, read and translate the sentences:

- 1 ... law course at this university gives a good basis in ... principles of ... law.
- 2 Many students who read ... law want to practise in ... future.
- 3 Some students want to go into ... administration.
- 4 These students want to go into ... industrial management or ... accountancy..
- 5 In ... first year undergraduates take four papers.
- 6 In ... second year they study five subjects of ... law.
- 7 In ... third year they study five subjects and may attend ... seminar course.

b. Use the Indefinite Article where necessary, read and translate the sentences:

- 1 Law is taught from ...academic point of ... view.
- 2 They discussed this law from ... practical point of ... view.
- 3 In the third year undergraduates may submit ... dissertation in ... place of one paper.
- 4 He is still ... undergraduate.
- 5 She is ... candidate for the postgraduate L.L.M.
- 6 They read ... law.

Exercise 18 Translate into English:

- 1 С этой точки зрения предмет очень сложный.
- 2 Они изучают право.
- 3 Первый год они изучают четыре дисциплины.
- 4 На втором курсе изучается пять предметов.
- 5 Многие выпускники хотят заняться практикой.
- 6 Те, кто хочет получить степень магистра, пишут четыре письменные работы.
- 7 Это работы, выбранные из нескольких статей ...

Exercise 19a. Write a plan of the text.

b. Retell the text according to your plan.

c. Write out the names of all the subjects from the above two texts.

Exercise 20 Translate into Russian:

- 1 In Criminal Law the evidence includes everything: objects, statements, documents, etc. It helps to show how a crime happened.
- 2 International Law is the law which regulates or governs relations between states.
- 3 Conveyancing Law is closely related to Land Law.
- 4 Jurisprudence is another name for the philosophy of law.

Moscow State Law Academy

The Academy was founded more than seventy years ago. The Academy has awarded degrees to more than two hundred thousand graduates. At

present the number of students is about fifteen thousand, besides about five hundred research students are working for their Doctor's Degree.

Graduates, postgraduates and researchers of the Academy work in law courts, public prosecutor's offices, different institutions and organisations.

The major subjects taught are Civil Law, Criminal Law, Constitutional Law and International Law, and others.

The Academy has about thirty chairs, forty major courses, ninety special courses and seminars.

Over one hundred professors and three hundred assistant professors teach students at the Academy. Apart from teaching they publish numerous monographs, text-books, manuals and articles on different law subjects.

The Academy maintains relations with a number of foreign universities and law schools.

Vocabulary

to found [faʊnd] основывать, создавать; англ. to establish [i'stæblɪʃ]

to attend [ə'tend] преподавать, пропускать; выучить (past tense)

degree [di'grɪ] степень

research [ri'sɜːʃ] исследование; научный исследователь, научный работник; научный талант аспирант

court [kɔːt] суд

prosecutor [prə'siːkjʊtə] обвинитель; prosecutor's office прокуратура

major ['meɪdʒə] главный, старший; major professional discipline дисциплина (в университете)

chair [tʃeə] кафедра; chairman ['tʃeɪnmən] заведующий кафедрой; chairwoman ['tʃeɪnwu:mən] заведующая кафедрой

assistant professor преподаватель

apart from кроме, не считая; apart from this кроме этого, не считая этого

to publish ['pʌblɪʃ] публиковаться

numerous ['nju:mərəs] многочисленный

text-book учебник

manual ['mænjʊəl] руководство, справочник

article статья

to maintain [meɪn'teɪn] поддерживать, охранять

relation [rɪ'leɪʃn] отношение

Exercise 21 Read and translate the following sentences:

- 1 The Academy was founded about seventy years ago.
- 2 Many different branches of law are taught there.
- 3 A lot of monographs and articles are published on law every year.
- 4 Relations are maintained with foreign countries.
- 5 Scientific degrees are awarded to graduates and postgraduates.
- 6 Different exams are organised.
- 7 Various seminars and special courses are organised too.

Exercise 22 Translate into English:

- 1 Более 200 тыс. человек закончили Академию права.
- 2 Сейчас в Академии учится около 15 тыс. студентов.
- 3 Академия была основана более 70 лет назад.
- 4 Аспиранты готовятся к защите диссертаций.
- 5 В разных странах существуют различные научные степени.
- 6 Кроме того, в разных университетах одной страны существуют различные названия степеней.

Exercise 23a. Read the following questions and write answers:

- 1 How many chairs are there at the Academy?
- 2 What types of students study there?
- 3 What majors are taught at the Academy?
- 4 What types of teachers does the Academy have?
- 5 Does the Academy have any contacts with foreign institutions?

b. Sum up all the information about the Academy.

Exercise 24 Write and read your answers to the following questions:

- 1 Where are you studying law?
- 2 Do you like your studies?
- 3 What subjects are you studying?
- 4 What is your favourite subject?
- 5 What other branches of law will you study?

Exercise 25 Write an essay on one of the following topics:

- 1 Cambridge University
- 2 Law students
- 3 Law Academies

Section 3 Speaking English

Students

Ann is attending a course in the English language in Davies's School of English in London. There are ten young people in the group from different countries. They have all come to London to have a better command of the English language during a two month course. At the lessons they read texts, listen to tapes and have various discussions. Ann and her group-mates often ask their teacher questions on different topics. Some of their talks are given in this book.

Ann: Excuse me, I am not sure I understand the meaning of the word 'undergraduates'. What does it mean?

Teacher: Usually, students who have not got a first degree yet are undergraduates. But in some universities, first year students are called freshmen. And undergraduates are second and third year students. But after a student has completed his course at university and has got a first degree from the university, the student becomes a graduate.

Pete: And what is the first degree?

Teacher: In English universities there are several different kinds of degree, depending on the level of specialisation. The first degree is usually awarded after three years of studies. It is a bachelor's degree. Bachelor of Arts, Bachelor of Law, Bachelor of Education, Bachelor of Literature and others.

Ann: And when can they get the second degree?

Teacher: Some students continue to study or return to university some years later and become postgraduates. They take a second more specialized degree called a master's degree. Master of Arts, Master of Law and so on and so forth.

Vocabulary

meaning [ˈmiːnɪŋ] значение; to mean означать

to complete [kəmˈpliːt] заканчивать, окончивать, завершать; completion [kəmˈpliːʃn] окончание, завершение

level [ˈlevl] уровень; at this level на этом уровне

and so on and so forth так далее и тому подобное

Exercise 26 Match the English and Russian equivalents:

Bachelor of Arts

Bachelor of Civil Law

Bachelor of Education

Bachelor of Literature / Letters

Bachelor of Science

бакалавр гражданского права

бакалавр истории (обществов.)

степень по одной из гуманитарных или инженерных наук

бакалавр литературы

бакалавр естественных наук

бакалавр наук

Exercise 27 Read the following sentences paying attention to the intonation and translate them into Russian:

- 1 I am not [↗]sure: I understood the meaning of the word 'undergraduate'.
- 2 Excuse [↗]me, I am not [↗]sure I understood the meaning of this [↘]word.
- 3 What does the word 'undergraduate' [↘]mean?
- 4 What does it [↘]mean?
- 5 What is the first de[↘]gree?
- 6 And what is the first de[↘]gree?
- 7 And when can they get the second de[↘]gree?

Note: 3 and 4 pronounced as one.

Exercise 28 a. Complete the teacher's answers:

- 1 Students who have not got a first degree yet are ... But in some universities, first year students are called ... And undergraduates are second and ... But after a student has completed his course ...

- 2 In English universities there are several kinds ... The first degree is usually awarded... It is ...
- 3 Some students continue to study or return... They take a second more specialized ...

b. Reproduce the talk.

Exercise 20 Write and reproduce your report for your group-mates on one of the topics:

- 1 English universities and scientific degrees
- 2 Universities and scientific degrees in Russia

You may start with the words *‘Let me say a few words about ...’*.

HISTORICAL SOURCES OF ENGLISH LAW

UNIT
2

Section 1: *Grammar* The Singular and the Plural of Nouns

Section 2: *Texts*

- 1 The Common Law
- 2 Equity
- 3 Legislation

Section 3: *Speaking English* The House of Lords

Section 1 Grammar

The Singular and the Plural of Nouns (Единственное и множественное число существительных)

1 Большинство существительных образует множественное число с помощью окончаний -s/-es:

ink	inks	[ˈɪŋkəs]
idea	ideas	[ɪˈdeɪs]
law	laws	[ləʊz]
action	actions	[ˈækʃnz]
practice	practices	[ˈpræktɪsɪz]

Существительные, оканчивающиеся на -y с предшествующей согласной, образуют -y на -i:

family	families	[ˈfæmɪlɪz]
academy	academies	[əˈkædɪmɪz]
city	cities	[ˈsɪtɪz]

Некоторые существительные образуют множественное число не по правилам:

man	men	[men]
woman	women	[ˈwɪmɪn]
child	children	[ˈtʃɪldrən]
tooth	teeth	[tiːθ]

2 Если существительное в предложении выполняет функцию подлежащего, оно согласуется в числе со сказуемым:

This man is a lawyer.
 Этот муж-мужчина юрист.

Собирательные существительные, но имеющие окончание -s, согласуются со сказуемым во множественном числе:

The jury are in another room now.
 The people are very angry.
 The police are after him.

Ряд существительных, имеющих одну форму как единственного и множественного числа, согласуется со сказуемым только в единственном числе:

evidence	улика, улики
information	сведения, сведения
news	новость, новости
progress	успех, успехи
knowledge	знание, знания

All the evidence is against him.
 Their information is very important.

Существительным, обозначающим науки или учебные дисциплины и оканчивающимся на -s, согласуются со сказуемым в единственном числе:

politics	политика
mathematics	математика
physics	физика
economics	экономика
electronics	электроника

Politics is her favourite subject.

Exercise 1 Write and read these Nouns in the plural:

college _____	university _____	man _____
teacher _____	study _____	woman _____
student _____	day _____	book _____
novel _____	library _____	crisis _____
source _____	Sunday _____	synopsis _____

Exercise 2 Choose the right variant, read and translate the sentences:

- 1 The jury (was, were) in doubt.
- 2 There (is, are) many people near the doors.
- 3 Extra police (was, were) needed there.
- 4 This information (is, are) quite reliable.
- 5 What (is, are) the progress of the matter?
- 6 His knowledge of the subject (was, were) very good.
- 7 Mathematics (is, are) his weak point.
- 8 Politics (was, were) taught by Professor Mills.
- 9 There (is, are) not enough evidence.
- 10 This book (is, are) very strong.

Exercise 3 Translate into English:

- 1 Криминалогия — его любимый предмет.
- 2 Его знания этого предмета очень глубокие.
- 3 Все сведения очень надежные.
- 4 Новости были очень неожиданными.
- 5 Ее профессиональные успехи были огромными.
- 6 Около дома было много народа.
- 7 Нужны доказательства.

Exercise 4 Read and reproduce the following:

Politics is the science or art of government covering political views, affairs, questions, etc. There are many approaches to the study of politics. 'Politics is much more difficult than physics', said Einstein.

Section 2 Texts

The Common Law

English law has developed from a number of sources: custom, the rules worked out by the common law courts and the courts of equity, canon law, the law merchant, legislation etc.

English legal development started in 1066 when William of Normandy gained the Crown of England established a strong central government. The changes made by William the First included separation of

lay courts and church (or clerical) courts. Each type of courts had its own jurisdiction. The law enforced in the church courts was Canon law, which was influenced by Roman law. William and his successors achieved the uniformity of the law, making it the common law.

Out of the varied and different customs, there was formed what is now known as the common law of England. It was called so because it is the law common to all parts of England and Wales. The formation of the common law was complete by about 1250 when Bracton wrote his famous *Treatise on the Laws and Customs of England*.

The Statute of Appeals Act 1632 brought the church courts in England more and more under the control of the State, but their separate jurisdiction continued on into the nineteenth century when Canon law was incorporated in the common law of England.

The law merchant, or mercantile law was applied in medieval times in maritime courts in coastal towns, and local courts in certain market towns. As England became a trading and seafaring nation the jurisdiction of the maritime courts increased.

Gradually, however, the courts merchant declined in importance as the common law courts became more efficient and reliable and became centralized in London. By the middle of the eighteenth century the common law courts had absorbed nearly all the jurisdiction of the courts merchant.

The common law is described as the unwritten part of English law or the common or universal custom of the country. The principles of law formulated by the judges, which in fact make up the body of the common law, have been enforced by the courts of law for some 900 years.

Vocabulary

custom ['kʌstəm] общий, привычный, обыкновенный; common law общее право

custom ['kʌstəm] обычай или tradition

case ['keɪs] решение, критерий, закон, принцип once law once правосудие право

merchant ['mɜːtʃənt] купец, торговец; law merchant торговое право
mercantile law ('mɜːkəntaɪl)

legislation [ˌledʒɪˈleɪʃn] законничество, законодательная деятельность

crown [kraʊn] корона, престол, королевская власть

lay [leɪ] светский, мирской, не церковный, не профессиональный (не являющийся юристом); lay saint светский святой (в отличие от церковного); lay marriage

church [tʃɜːtʃ] церковь

jurisdiction [ˌdʒʊrɪsˈdɪʃ(ə)n] 1) отнесенная правосудия, юрисдикция; 2) власть; 3) судебная практика; 4) орган власти

to enforce [ɪnˈfɔːs] принужденно применить

ascertain [əˈseɪn] узнать, установить

to achieve aim [əˈtʃuːv] достигнуть чего-либо

treatise [ˈtriːtɪs] трактат

statute [ˈstætjuːt] закон, законодательный акт; устава

jurist [ˈdʒʊrɪst] юрист; to jurist законодатель

act [ækt] закон, акт, действие, деяние

to incorporate [ɪnˈkɔːpəreɪt] 1) включить в себя; 2) зарегистрировать, оформить

to apply [əˈplɪɪ] применять

to decline [dɪˈklaɪn] отклонять

efficient [əˈfɪʃɪnt] эффективный, квалифицированный

judge [dʒʌdʒ] судья; to judge судить, оценивать, считать

Exercise 5 Match the words and their transcription, read and translate the words:

to develop

[ɪnˈkɪʃnd]

to bring

[brɪŋ]

to include

[brɪŋ]

to continue

[dɪˈveləp]

to influence

[ɪnˈfluːns]

to absorb

[ɪnˈkɔːpəreɪt]

Exercise 6 Read these words paying attention to the sound [w] and translate them into Russian:

work

was made

to work

was formed

to work out

was worked out

equity

was enforced

twelve

was achieved

twenty

was formulated

William

was incorporated

Exercise 7 Read the words paying attention to the stress and translate the words:

legis'lation
juris'diction
sepa'ration

uni'formity
mu'nici'pality
legis'lative

ex'amination
funda'mental
in'corpo'ration

Exercise 8a. Write the Nouns in the plural and translate these word combinations:

a number of (source) _____ certain (town) _____
a number of (lay court) _____ certain (city) _____
a number of (custom) _____ certain (successor) _____

b. Translate into English:

несколько судов _____ оригинальные постановления _____
несколько судов _____ определенное законодательство _____
несколько правил _____ определенные законы _____
несколько судов _____ определенная работа _____

Exercise 8a. Write the following years:

two thousand and six _____ twelve fifty _____
one thousand sixty six _____ fifteen thirty two _____
one thousand and ten _____ nineteen seventeen _____

b. Read the following years:

2007 2010 1990 1632 1066 1250 1532

c. Write and read your answers to these questions:

- 1 When were you born?
- 2 When did you leave school?
- 3 When did you (or your friend) enter the University?

Exercise 10 Translate into English:

общее право _____
торговое право _____
рыбное право _____
судовое право _____
церковное право _____
законодательство _____

Exercise 11 Choose the right words to use, read and translate the sentences:

common, Roman, church, jurisdiction, maritime, formulated, absorbed

- 1 In the eleventh century lay courts and church courts were separated and each had its own ... then.
- 2 The canon law enforced in church courts was influenced by ... law.
- 3 The separate jurisdiction of the ... courts continued till the nineteenth century.
- 4 Since England was a trading and seafaring country the jurisdiction of ... courts was great.
- 5 But gradually, maritime courts declined and were ... by the common law courts.
- 6 Out of the varied and different customs there was formed the ... law in England.
- 7 The principles of laws are ... by the judges.

Exercise 12 Answer the following questions on the text:

- 1 What are the sources of English law?
- 2 When did English legal system start to develop?
- 3 Did lay courts and church courts unite or separate under William I?
- 4 When was the uniformity of the law achieved?
- 5 When was the common law formed?
- 6 Why was the law called 'common law'?
- 7 What laws did it incorporate?

Exercise 13 Write out the information about:

- 1 the canon law
- 2 church courts
- 3 the law merchant

Equity

In a general sense equity means fairness. In English law, equity means that body of rules originally enforced only by the Cabinet of Chancery. Equity has been described as 'a gloss on the common law', making the English legal system more complete.

Petitions from persons unable to obtain justice in the common law courts were sent to the King as 'fountain of justice'. These petitions were sometimes examined by the King and Council and the relief was granted or refused. Later, due to pressure of business in the Council, the petitions were sent to the Lord Chancellor who, as Chief Secretary of State and Keeper of the King's Conscience, dealt with them alone. The petitions were usually in the form of allegations that:

- (a) The common law was defective, e.g. the law of contract was undeveloped and inadequate to serve the growing need of sailors.
- (b) The remedy of the common law courts, namely damages, was not always a satisfactory relief.
- (c) The defendant was too powerful; people of wealth and power in a county could overawe a court and intimidate jurors.
- (d) The court lacked jurisdiction to decide certain cases, e.g. where foreign merchants were sailors.

By the end of the fifteenth century the Chancellor had set up a separate court which dealt with petitions for relief. The Chancellor considered petitions on the basis of conscience and right.

The principles of common law and those of equity were separate and were administered in different courts. The rules of common law sometimes conflicted with the principles of equity, so that confusion resulted. But soon equity became subject to criticism.

The Judicature Acts 1873-5 set up a Supreme Court of Judicature comprising the Court of Appeal and the High Court of Justice. Besides, the Supreme Court Act 1861 made fundamental changes in the administration of law and equity. All branches of the Supreme Court were empowered to administer law and equity. Where a rule of equity and rule of common law were at variance with reference to the same matter, the rule of equity should prevail.

Vocabulary

fair [fɛə] справедливый, честный, законный; **fairness** ['fɛənis] справедливость, честность, законность

Chancellor ['tʃænsəl] суд лорда-канцлера; **Chancellor** ['tʃænsəl] канцлер; **Lord (High) Chancellor** лорд-канцлер

just [dʒʌst] справедливый, истинный; justice ['dʒʌstɪs] справедливость, правосудие
 to obtain [əb'teɪn] получить
 fulfil [fɪ'lʃ] удовлетворение, требование
 to grant [grænt] выдать
 to refuse [rɪ'fjuːz] отказывать
 coalesce ['kɒləseɪs] сойтись
 to allege [ə'leɪdʒ] утверждать (особ. без оснований); allegation [ˌælɪ'ɡeɪʃn] утверждение
 e.g. (=example) *genia Lat.* например *gen. for example* [ɪdʒ'mplə]
 adequate ['ædɪkweɪt] соответствующий, достаточный; inadequate [ɪn'ædɪkweɪt] несоответствующий, недостаточный
 suitor ['sjuːtə] истец
 remedy ['remədi] средство, лекарство
 damages ['dæmɪdʒɪz] убыток, возмещение убытков
 to defend [dɪ'fend] защищать; defendant [dɪ'fɛndənt] ответчик, обвиняемый
 to evince ['evɪns] доказывать в благоговейном страхе
 to imburse [ɪm'bɜːrs] запутывать; imbursement [ɪm'bɜːrs'mənt] запутывание
 to lack не хватать, испытывать недостаток
 omnibus ['ɒm'nɪbʌs] беспорядок, путаница
 justice ['dʒʌstɪs] правосудие; судостроительных дел судья
 supreme [su'priːm] высший, верховный
 to vary ['veəri] различаться; variance ['veəriəns] разногласие, разномие;
 to be at variance with расходиться во мнениях с

Exercise 14 Read and translate these international words:

to examine	original	petition	to grant
to conflict	originally	pressure	progress
to result	defect	person	section
to prevail	defective	general	fundamental

Exercise 15 Read and translate the words having the same root:

fair	just	exam	to satisfy
fairly	justice	examination	satisfaction
fairness	to justify	to examine	satisfactory

Exercise 16 Match the English and Russian equivalents:

equity	утверждение
Chancery	справедливости
Chancellor	удовлетворение требований
sutor	средство защиты
defendant	присяжный
juror	истец
remedy	ответчик
relief	юрист
allegation	суд лордов-кларков

Exercise 17 Write short sentences using these word combinations:

to grant relief	to intimidate a juror
to refuse relief	to lack jurisdiction
to allege that ...	to set up a court
to administer law and equity	to overturn a court

Exercise 18 Write and read answers to the following questions:

- 1 What is the general meaning of the word 'equity'?
- 2 What is its meaning in English law?
- 3 To whom did persons unable to obtain justice apply in the past?
- 4 Why were petitions sent to the Lord Chancellor later?
- 5 What court was established to deal with petitions some time later?
- 6 What Act of Parliament are fundamental for administration of equity?
- 7 In case of conflict, does the rule of common law or the rule of equity prevail?

Exercise 19 Complete the sentences using the text:

- 1 The petitions usually alleged that the common law was defective, for example ...
- 2 Some petitions alleged that the remedy of the common law courts ...
- 3 Some petitioners complained that the defendant was too powerful ...
- 4 Other petitioners said that the court lacked jurisdiction ...

Exercise 20a. Write a plan of the text.

b. Retell it according to your plan.

Legislation

The basis of English law is the common law, whose principles are found today in the case law built up by the judges ever since the Norman Conquest.

The original role of the King and his Council was merely to maintain order and peace and to defend the state against external aggression. To keep order and peace the King amended and altered existing law by issuing ordinances, provisions, assizes and charters, always with the advice of his Council.

Today the British monarch is nominally head of the state, but has lost practically all actual power. By convention the monarch acts in accordance with the will of the Government (headed by a Prime Minister and a Cabinet), which is responsible to Parliament. The State was brought about by legislation, and many areas of the common law (civil and criminal) have been revoked and reformed.

The main source of law today is legislation which may take the form of:

(a) Statutes or Acts of Parliament

(b) Statutory Instruments, Rules and Orders (they are made by Ministers and must be submitted to Parliament for approval).

Parliament can manage between 60 and 70 Acts of Parliament per session (one year). On the other hand there are today more than 2,000 statutory instruments issued each year.

Vocabulary

case 1) судебное дело, случай в судебной практике; 2) случай;

case law прецедентное право

conquer [ˈkɒŋkə] завоевание

mere [mɪə] простой, легкий, случай; merely только, просто, единственно

to amend [ə'mend] исправлять, вносить поправки

to alter ['ɔ:lɜ] изменять

to exist [ɪg'zɪst] существовать

to issue ['ɪʃʊ, 'ɪʃɪ] выпускать, выпускать в свет

ordinance ['ɔ:dɪnəns] указ, декрет

provision [prə'vɪʒn] постановление, положение; условие

statute [s'tætʃt] указ, закон, статут, постановление

charter ['tʃɑ:tə] устав
 council ['kaʊnsl] совет (организация)
 area ['eɪə] область, зона, сфера
 to revoke [ri'vəʊk] отменить
 to approve [ə'pru:v] одобрить; approval [ə'pru:vəl] одобрение
 statutory ['stætju:təri] законный, действующий в силу закона, основанный на законе, предусмотренный законом

Exercise 21 Read and translate the sentences:

- 1 The principles of the common law are to be found in the case law.
- 2 The case law is built up by the judges.
- 3 Existing law was amended and altered.
- 4 The Government is headed by a Prime Minister and a Cabinet.
- 5 The State was brought about by legislation.
- 6 Many areas have been revoked and reformed.
- 7 More than 2,000 statutory instruments are issued each year.

Exercise 22 Use the correct Articles where necessary, and translate the sentences:

- 1 ... basis of English law is ... common law.
- 2 Today ... British monarch is essentially ... head of ... state.
- 3 By ... convention ... monarch acts in accordance with ... will of ... Government.
- 4 One of ... main sources of law is ..., legislation.
- 5 Legislation takes ... form of Acts of ... Parliament and ... Statutory Instruments, ... Rules and ... Orders.
- 6 ... Parliament enacts about 70 Acts of ... Parliament per ... year.
- 7 On ... other hand many more statutory instruments are issued annually.

Exercise 23 Find the English equivalents in the text:

- 1 Основы английского права — общее право.
- 2 Общее право является частью прецедентного права.
- 3 Основным источником права является законодательство.
- 4 В Англии законодательство имеет форму законов и нормативных актов.
- 5 Английский парламент принимает до 70 законов ежегодно.
- 6 Он также принимает около 2 тыс. нормативных актов.
- 7 Законодательные акты составляют большинство и принимаются и переиздаются на утверждение.

Exercise 24 Sum up what the text said on the following:

- 1 the role and power of English Kings in the past
- 2 the power of the English Queen at present
- 3 the role and work of Parliament

Exercise 25a. Write an essay on one of the topics:

- 1 The sources of English law
- 2 The English common law and case law
- 3 Monarchs and Parliament in Britain

b. Reproduce one of the essays as a report to your group-mates. You may start with the words 'Today I would like to speak about...'

Section 3 Speaking English

The House of Lords

During a break between sessions at Davies's School of English:

Ann: Diana, I'm reading a very interesting book about... Guess about what.

Diana: I have no idea. Maybe it's a detective story.

Ann: Oh, no. It's a very serious book. About the history of the House of Lords. And the thing that surprised me is that some law can be abolished and some time later can be restored.

Diana: And what law was restored, speaking about the House of Lords?

Ann: Its jurisdiction, as a final court of appeal, was abolished in 1873 and restored three years later.

Diana: And why was it abolished then? On what grounds?

Ann: Mainly on the ground that there were insufficiently legally qualified peers.

Diana: And what changed three years later?

Ann: The Act of 1876 made the provision for the appointment of two Lords of Appeal in Ordinary. These are salaried life peers who have held high judicial office for at least two years, or barristers who have practised for at least fifteen years.

Diana: By the way, how many Lords of Appeal are there now?

Ann: I remember it now very well. The maximum number of Lords of Appeal in Ordinary has been increased to eleven.

Diana: Why are you so interested in law and all these serious books?

Ann: I am studying law for my future career.

Vocabulary

to grow [grəʊ] утлаивать, оттаивать

to abolish [ə'brɒʃ] отменять, упразднять

to restore [rɪ'stɔː] восстанавливать

ground (grounds) земля; причина; on what ground по какой причине

sufficient [sə'fɪʃnt] достаточный; insufficient [ɪnəsɪ'fɪʃnt] недостаточный; insufficiently недостаточно

peer [pɪə] пэр (титулованный дворянин, принадлежащий к одной из пяти старшей сословий Великобритании; пэр может право быть членом Палаты лордов)

to appoint [ə'pɔɪnt] назначать; appointment [ə'pɔɪntmɪnt] назначение

Lord of Appeal (in Ordinary) лорд-судья по исполнению

salary ['sæləri] жалованье, заработная плата; salaries совокупный жалованье

to hold office занимать пост

to be in office быть у власти

lawyer ['lɔːjə] юрист (адвокат, который право выступать в высших судах)

to increase [ɪn'kriːs] увеличиваться

Exercise 26 Answer the following questions:

- 1 About what are the two girls speaking?
- 2 Why did they start speaking about this topic?
- 3 What made Ann surprised when she read the book?
- 4 Why was the jurisdiction of the House of Lords as a final court of appeal, abolished in 1873?
- 5 When was it restored?
- 6 Who is a Lord of Appeal in Ordinary?
- 7 What is the maximum number of such Lords in the House of Lords?

Exercise 27 Read the following paying attention to the intonation:

- 1 I am reading a very interesting \book.

- 2 I have no i\dea. Maybe it's a de\fective story.
- 3 What law was re\sacred, I speaking about the House of \Lords?
- 4 And why was it a\bolished then?
- 5 And what changed three years \later?
- 6 By the \way, h\ow many Lords of Appeal are there \now?
- 7 Why are you so interested in \law?

Exercise 28 Complete and translate the sentences:

- 1 And the thing that surprised me is that some law can be ...
- 2 Mainly on the ground that there were insufficiently legally ...
- 3 The Act of 1876 made the provision for the appointment of ...
- 4 These are salaried life peers who have held ...
- 5 The maximum number of ...

Exercise 29a. Reproduce the talk of the two girls.

b. Write out the sentences and words which characterise informal talk, for example:

- 1 (contracted forms) I'm reading a very interesting book.
- 2 (very short sentences) I have no idea.
- 3 (incomplete sentences) On what grounds?
- 4 (colloquial expressions) by the way

Exercise 30 Translate into English:

- 1 Юрисдикция Палаты лордов как высшего апелляционного суда была восстановлена в 1876 году.
- 2 Сейчас в Палате лордов до 12 лордов-судей по апелляциям.
- 3 Лорд-судья по апелляциям получает жалование за рассмотрение апелляционных жалоб, когда жалоба эскапирует как апелляционный суд.
- 4 Лэр — это наследственный титул. Лэр имеет право быть членом Палаты лордов.
- 5 Я знаю, что барристер — это адвокат, имеющий право выступать в высших судах.

CLASSIFICATION OF LAW

UNIT
3

Section 1: *Grammar Indefinite Tenses*

Section 2: *Texts*

- 1 Criminal Law and Civil Law
- 2 Public Law and Private Law
- 3 Substantive Law and Procedural Law
- 4 Municipal Law and Public International Law

Section 3: *Speaking English Municipality*

Section 1 Grammar

Indefinite Tenses

1 Группа Indefinite Tenses включает следующие времена:

Present Indefinite	настоящее неопределенное время
Past Indefinite	прошедшее неопределенное время
Future Indefinite	будущее неопределенное время

Эти времена выражают обычные, повторяющиеся или разовые действия или состояния, происходящие в настоящем, прошлом или будущем.

2 Во все группы, за исключением группы *to be*, образуют Indefinite Tenses следующим образом:

Present Indefinite

Утвердительная форма	I/We/They like English. He/she likes English.
Отрицательная форма	I/we/They don't speak German. He/she does not speak German.
Вопросительная форма	Do you/they speak English? Does he/she speak English?

Past Indefinite

Утвердительная форма	I/he/she/we/they met the girl yesterday.
Отрицательная форма	I/he/she/we/they did not attend that lecture.
Вопросительная форма	Did you/he/she/they attend that lecture?

Future Indefinite

Утвердительная форма	I/we shall/will read it tomorrow. He/she/they will read it tomorrow.
Отрицательная форма	I/we shall/will not do it tomorrow. He/she/they will not do it either.
Вопросительная форма	Will you/he/she/they do it tomorrow?

3 Образование Indefinite Tenses связано со *be***Present Indefinite**

Утвердительная форма	I am a student. He/she is a student. We/they are students.
Отрицательная форма	I am not a teacher. He/she is not a teacher. We/they are not teachers.
Вопросительная форма	Are you a student? Is he/she a student? Are you/they students?

Past Indefinite

Утвердительная форма	I was present at the lesson. He/she was present at the lesson. We/they were present at the lesson.
Отрицательная форма	I/he/she was not present. We/they were not present.
Вопросительная форма	Were you/they present? Was he/she present?

Future Indefinite

Утвердительная форма	I/we shall/will be at home in the evening. He/she/they will be at home too.
Отрицательная форма	I/we shall/will not be at work. He/she/they will not be at work.
Вопросительная форма	Will you/he/she/they be at home?

Exercise 1 Use the verbs in Present Indefinite, read and translate the sentences:

- 1 There (to be) a few sources of English law.
- 2 The basis of English law (to be) the common law.
- 3 England (to be) still a trading and seafaring country.

- 4 In a general sense equity (to mean) fairness.
- 5 We sometimes (to discuss) very serious matters.
- 6 He (not to know) anything about conveyancing law.
- 7 My friend (not to like) doing Grammar exercises.

Exercise 2a. Write the following irregular verbs in Past Infinitive:

to be	to have	to do	to make
to see	to hear	to know	to get
to come	to understand	to give	to take

b. Use the verbs in Past Infinitive, read and translate the sentences:

- 1 English legal development (to start) in 1066.
- 2 English historians consider William of Normandy or William I (to establish) a strong government.
- 3 Lay courts and church courts (to have) their own jurisdiction.
- 4 The law enforced in the church courts (to be) canon law.
- 5 The formation of the common law (to be) complete by about 1250.
- 6 I (to read) all this information last week.
- 7 I (not to make) any reports last month.

Exercise 3 Use the verbs in Future Infinitive, read and translate the sentences:

- 1 The police do not know who (to give) evidence.
- 2 Most probably they (to discuss) this topic one of these days.
- 3 I am sure he (to attend) all the lectures next term.
- 4 He (to study) the law of tort only in two terms.
- 5 She (not to speak) about the results of their exam.
- 6 Many graduates of our University (to work) in these offices.
- 7 The post-graduates (not to participate) in the seminar.

Exercise 4 a. Read these questions and write your answers:

- 1 When did you start studying law?
- 2 How old were you then?
- 3 Do you like your studies at University now?
- 4 How many students are there in your group?
- 5 What is your favourite subject?

- b. Reproduce the questions and your answers as a dialogue.
- c. Write a summary about you and your studies.

Exercise 5 Read and reproduce this short text about a young man:

Gery is a student. He is studying History at university because he wants to become a teacher. He believes that education is something of great importance. He has examinations every two months, and this makes him feel tired sometimes. He often stays up very late doing revision and he spends lots of time in the library looking for additional books which may be of help in his studies. He does a lot of preparation before every exam. Hopefully, one day he will have a successful teaching career!

b. Translate into English:

- 1 Она тоже изучает историю в английском университете.
- 2 И она тоже сдает экзамены каждые два месяца?
- 3 Насколько я знаю, она часто сдает какие-то экзамены.
- 4 Она очень много читает и ищет конспекты.
- 5 Она проводит в библиотеке много времени.

Exercise 6 Read this letter and write a similar one (imagine you have got an English pen-friend):

Dear Robbie,

I'm sorry I did not write to you for a long time but I was very busy. As you know, I was anxious to hear from the universities that I applied to in June. Well, Southborough University, the university that I always wanted to attend, accepted my application! Isn't that great?

Although I thought about living on campus, I decided not to. I looked through the ads for a flat and my mother and I are going to Southborough tomorrow. We made appointments to see three flats.

I am excited but also a little nervous as I have never lived on my own before.

What are you doing these days?

I hope all is well.

Take care,
Steven

Section 2 Texts

Criminal Law and Civil Law

Criminal Law is that part of the law which characterizes certain kinds of wrongdoings as offences against the State and punishable by the State. For example, to commit murder is an offence against the State because it disturbs the public peace and security, so the action is brought by the State. Crime is defined as 'an act of disobedience of the law forbidden under pain of punishment'. The punishment for crime ranges from death or imprisonment to a money penalty (fine) or absolute discharge.

The police are the public servants whose duty is the prevention and detection of crime and the prosecution of offenders before the courts of law. Private citizens may legally enforce the criminal law by beginning proceedings themselves, but rarely do so in practice.

Civil Law is concerned with the rights and duties of individuals towards each other and includes the following laws:

Law of Contract
Law of Tort
Law of Property
Law of Succession
Family Law.

The main distinction of civil law from criminal law is that in civil law the legal action is begun by the private citizen to establish rights (in which the State is not primarily concerned) against another citizen or group of citizens, whereas criminal law is enforced on behalf of or in the name of the State. Civil Law is sometimes referred to as Private Law as distinct from Public Law.

Vocabulary

offence [ə'fɛns] правонарушение, преступление; offender [ə'fɛndə] правонарушитель, преступник

to punish ['pʌʃɪʃ] наказывать; punishable ['pʌʃɪbəl] наказуемый

to commit murder [kə'mɪt] совершить убийство

to disturb [dɪ'stɜ:b] нарушать, возмущать, приходить в беспорядок

to obey [ə'beɪ] подчиняться; disobedience [dɪsə'bɪdɪəns] неподчинение

to exhibit (dɪ'bɪt, ɪk'zɪbɪt) [ɪb'ɪt] **экспонировать**
 to range (rændʒ) **колебаться в определенных пределах**
 imprisonment [ɪm'prɪsmənt] **тюремное заключение**
 discharge (dɪʃ'tʃɑ:dʒ) **освобождение**
 to prevent (prɪ'vent) **предотвращать; prevention** **предотвращение**
 deduction (dɪ'dʌk'tʃən) **вычитание**
 on behalf of (ɒn'beɪf) **от имени**
 to refer to **упоминать о, упомянуть, относиться к, ссылаться на**

Exercise 7 Match the words and their transcription, read and translate the words:

to characterise	[rɪtʃ]	to proceed	[prə'vi:diŋz]
wrongdoing	[ˈpenəltɪ]	proceedings	[ˈrɒl]
penalty	[ˈhɜ:kləʊənz]	rights	[ˈæbsəlu:t]
absolute	[ˌrɛɪ'dɪŋz]	rarely	[prə'mɪd]

Exercise 8 Read the words paying attention to the sound [v] and translate the words:

to prevent	a group of citizens
law of tort	on behalf of the State
civil	in the name of the State
private	law of contract
servant	law of tort
themselves	law of succession

Exercise 9 Read and translate the words having the same roots:

to punish	to obey	prison	to prosecute
punishable	obedience	prisoner	prosecutor
punishment	obedient	to imprison	prosecution
punishableness	to disobey	imprisonment	prosecuting

Exercise 10 Match the English and Russian equivalents:

offence	освобождение	Primarily	штраф
prevention	законно	rarely	предотвращение
penalty	гласным образом	whereas	правонарушение
discharge	право	legally	тогда как

Exercise 11 Write out the English equivalents from the text:

- 1 Правонарушения наказуемы государством.
- 2 Это акт неисполнения закона.
- 3 Наказания в Англии могут быть самыми различными: от смертного приговора до небольшого денежного штрафа.
- 4 Совершение убийства является уголовным преступлением.
- 5 Дело возбуждается государством.
- 6 Задача полиции — предотвращение или расследование преступления.
- 7 Ее обязанность — предъявление обвинения правонарушителю или преступнику.

Exercise 12a. Answer the following questions:

- 1 On whose behalf is criminal law usually enforced?
- 2 May private citizens enforce the criminal law and begin proceedings by themselves?
- 3 What is the main distinction of civil law from criminal law?
- 4 With what cases does civil law deal?
- 5 With what law is civil law closely connected?
- 6 What is private law?

b. Sum up what the text said about:

- 1 Criminal Law
- 2 Civil Law

Public Law and Private Law

Public Law comprises Constitutional Law, Administrative Law, and Criminal law.

Constitutional Law has been defined as the rules which regulate the structure of the principal organs of government and their relationship to each other, and determine their principal functions. This subject includes: choice of monarch, his or her powers and prerogatives; the constitution of the legislature; powers and privileges of members of Parliament; the relationship between the separate chambers of Parliament; the status of Ministers; the civil service; the armed forces; the police; the relations between the central government and local authorities; the

making of treaties; admission and rights of aliens; the courts of justice; liberties of speech, of meeting, of association; and voting rights.

Administrative Law is defined as that body of legal principles which concerns the rights and duties arising from the impact upon the individual of the actual functioning of the executive instruments of government. For example, administrative law determines the legal rights of a private citizen whose house a local authority intends to acquire compulsorily.

Vocabulary

to comprise [kəm'praɪz] включать

to define [dɪ'faɪn] определять

to determine [dɪ'tɜːmɪn] определять, устанавливать, решать

chamber ['tʃæmbə] палата

treaty ['triːtɪ] договор

admission [əd'mɪʃən] принятие, допускание, присоединение

alien ['æliən] гражданин другого государства, проживающий в данной стране; иностранец

liberty ['lɪbəti] свобода

to vote голосовать; voting rights право участия в выборах

to arm (arms, arms) [ə'ɑːmz] вооружить, вооружиться

impact ['ɪmpækt] влияние, воздействие

actual ['æktʃuəl] фактический

executive [ɪg'zɛkjʊtɪv] исполнительный

to acquire [ə'kwaɪə] приобретать

compulsory [kəm'pʌlsəri] принудительный, обязательный, обязательный

Exercise 13 Read and translate these international words:

regulate

privilege

prerogative

structure

separate

functioning

organ

status

local

function

central

association

Exercise 14 Write out English equivalents from the text:

1 Конституционное право определено как ...

2 Административное право определено как ...

- 3 Эти нормы регулируют структуру ...
- 4 Эти нормы определяют основные функции...
- 5 Основные органы управления ...
- 7 Совместимость правовых принципов ...
- 6 Права и обязанности ...

Exercise 15 Use the correct Prepositions, read and translate these word combinations:

of, between, from, for, upon

... example	the status ... Ministers
choice ... monarch	the relations ... governments
the constitution ... the legislature	rights ... aliens
members... Parliament	to arise ... the impact
the executive instruments ...	impact ... the (individual)
government	courts ... justice

Exercise 16a. Translate the text into Russian.

b. Write a review on Public Law in Britain. (Use this text and the previous one.)

c. Read the review to your group-mates.

You may start with these words: *'I am very glad to have a chance to read my review to you. My review is about...'*

Substantive Law and Procedural Law

Substantive Law regulates the rights, duties and liabilities among citizens and governments.

Procedural Law lays down the rules governing the manner in which a right is enforced under the civil law, or a crime prosecuted under the criminal law. Thus a legal action is started by issuing a claim form in civil cases, by a summons or an arrest in criminal cases, and ends by the trial and judgement in the court itself, followed by the execution of the judgement. Procedural law governs the steps in the progress of the civil legal action or criminal prosecution.

The distinction between substantive law and procedural law is not always clear. It is an important rule of law that the prosecution may not (except in special circumstances) refer to the accused's bad character during the course of the trial, for this could clearly prejudice the case. (English law presumes that an accused person is innocent until proved guilty). This rule may be regarded as either substantive or procedural, depending on the view taken of its nature.

Vocabulary

substantive law [səb'stantɪv] материальное право

procedural law [prə'si:dʒərəl] процессуальное право

likelihood [laɪk'lɪhʊd] возможность, вероятность

to lay down the law устанавливать, формулировать закон

flow течь, течь образом

claim заявлять право, правопритязание, иск

summons ['sʌmənʒ] вызов в суд, судебная повестка

trial (trɪəl) суд; during the course of the trial в ходе суда

judgment ['dʒʌdʒmənt] судебное решение

to execute ['eksɪkjʊt] исполнять; execution [ˌeksɪ'kju:ʃən] исполнение;

except (ɪk'sept) кроме, исключая

circumstances [ˈɪksəˌstənsɪz] обстоятельства

to accuse somebody of something [ə'kju:z] обвинять кого-либо в чём-либо;

an accused person обвиняемый; the accused обвиняемый, обвиняемый

to prejudice ['preɪdʒʊdɪs] осквернить, предубеждать

innocent ['ɪnəsənt] невиновный

guilty [ɡɪlɪ] виновный; to be guilty of быть виновным в

to prove [pru:v] доказывать

to regard рассматривать, считать

Exercise 17 Read and translate these international words:

procedure to regulate

procedural regulator

to presume regulation(s)

presumption nature

Exercise 18 Use the verbs in Present Indefinite, read and translate the sentences:

- 1 Substantive Law (to regulate) these rights, duties and liabilities.
- 2 Procedural Law (to lay down) the rules governing these matters.
- 3 Procedural Law (to govern) civil legal action or criminal prosecution.
- 4 A legal action (to end) by the trial.
- 5 The execution of the judgement (to follow) the trial and judgement.
- 6 This distinction (not to be) always clear.
- 7 English law (to presume) that an accused person (to be) innocent until proved guilty.

Exercise 19 Write out English equivalents from the text:

- 1 Материальное право регулирует отношения между гражданами и государством.
- 2 Процессуальное право устанавливает нормы...
- 3 Судебное дело начинается с составления искового заявления.
- 4 В уголовных делах процедура начинается с выноса обвинительного в суд или его ареста.
- 5 Он считается невиновным, пока не докажут его вину.

Exercise 20a. Translate the text into Russian.

b. Write and read your reply to this question:

Why is the distinction between substantive law and procedural law not always clear?

Municipal Law and Public International Law

Municipal or National Law is the law operative within a State. One branch of that law is the law relating to conflict of laws, otherwise known as Private International Law, which determines which national law governs a case in which there is a foreign element.

Thus Jackie, a British subject, makes a contract in Rome with Bouesac, a Frenchman, for the supply of footballs to a team in Madrid.

If Jenkins now takes action against Boussac in an English court of law for alleged breach of contract, the court will have to determine by the rules of Private International Law which law is to be applied: English, French, Italian, or Spanish.

However, the International Criminal Court Act 2001 recognized the establishment of the International Criminal Court and the provision for offences under the Law of England, Wales and Northern Ireland corresponding to offences within the jurisdiction of the Court.

Public International Law is the body of rules of law which govern the relationships between states, particularly rules of war. Certain writers hold that since there is no world authority with power to enforce the rules or laws and that, as public international law is incompatible with national sovereignty, the essential characteristics of law are absent.

Vocabulary

municipal law (national law) муниципальное (национальное) право, муниципальное право

supply [sʌ'plaɪ] поставки

to break (break, broken) a contract [breɪk] нарушить контракт; breach of contract [breɪk] нарушение контракта

to recognise ['rɪkə'gnaɪz] признавать

to provide [prə'vaɪd] обеспечивать, предоставлять, обеспечивать;
provide [prə'vɪd] обеспечивать

to correspond [kɒrɪ'spɒnd] соответствовать

to hold (hold, held) представлять; держать

incompatible [ɪn'kɒm'pətibl] несовместимый

essential [ɪ'senʃl] существенный, необходимый

Exercise 21 Answer the following questions:

- 1 What is the idea of Private International Law?
- 2 What example does the text quote?
- 3 When was the International Criminal Court established?
- 4 What makes Public International Law subject to criticism?

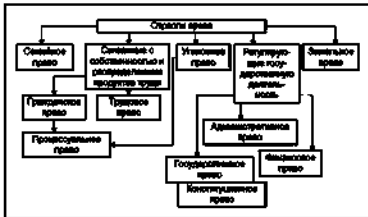
Exercise 22 Write out English equivalents from the text:

- Муниципальное или национальное право действует внутри страны.
- Одна из норм этого права связана с конфликтом прав.
- Если он возбудит дело, заявив, что был нарушен контракт, ...
- Суд должен определить, какое право должно быть применено.
- Некоторые специалисты заявляют, что основные характеристики международного публичного права не оправданы.

Exercise 23 a. Sum up the information about National Law and Public International Law.

b. Write and read your summary of the classification of law given by the English author. (Use Texts 1—4 of this Unit.)

c. Translate the terms given in the diagram showing a different classification of law, write and present your report on it:



Section 3 Speaking English

Municipality

At a lesson at Dexter's School of English

Teacher: Can anybody explain what the word 'municipality' means?
Michael, what would you say?

- Michael:** Well, you see, I am not sure, to be frank.
- Alic:** It seems to me it's a town, a city or a district with local self-government.
- Ann:** If I am not mistaken there are two meanings of the word. It can also mean the local self-government itself, in other words the governing body of a town.
- Teacher:** Absolutely correct. And can you give me any examples of municipal buildings?
- Olya:** I have consulted a dictionary and now I know that there can be rather many types of municipal buildings. For example, municipal public libraries, municipal town halls, etc.
- Victor:** Some time ago I read a very serious article in an English newspaper about some municipal undertakings. The article spoke about municipal bus service in some English seaside towns. And it called for better service.
- Vera:** May I interrupt you? Jane mentioned town halls. Are they official buildings for local authorities?
- Teacher:** Practically speaking they are. We have town halls, city halls, county halls, halls of justice, festival halls. And in colleges at English universities halls are large rooms for meals. But in Oxford University, Halls are similar to Colleges.

Vocabulary

- to explain [ɪk'spleɪn] объяснить; explanation [ˌɛksplə'neɪʃn] объяснение;
 explanatory [ɪk'splæneɪtɪv] объяснительный
- to be frank откровенно говорить
- to consult a dictionary [kən'sʌlt] посмотреть слово в словаре
- to consult with проконсультироваться у кого-либо
- to give a consultation to smb [ˌkɒnsəl'teɪʃn] консультировать кого-либо
- hall здание, помещение общественного характера; зал, vestibule, холл; town hall ратуша
- undertaking [ˌʌndə'teɪkɪŋ] 1) предприятие общественное; 2) предприятие
- to call for призывать к
- undoubtedly [ʌn'daʊtɪdli] несомн., отнюдь unquestionably
- similar ['sɪmlə] похожий, подобный

Exercise 24 Answer the following questions:

- 1 Who started the conversation about municipalities?
- 2 What are the two meanings of the word "municipality"?
- 3 What examples of municipal buildings did the students give?
- 4 Did Victor mention municipal undertakings?
- 5 Do you remember all the types of halls the teacher named?

Exercise 25 Read the following sentences paying attention to the intonation:

- 1 I am not \sure, to be frank.
- 2 It seems to me it's a \town.
- 3 If I am not mi\staken | there are two meanings of the \word.
- 4 Now I know that there can be \many types.
- 5 May I into\rupt you?
- 6 Are they official \buildings?
- 7 Practically speaking they \are.

Exercise 26 Complete and reproduce the talk:

- Can anybody explain what the word ...?
- Well, you see, ...
- It seems to me it's ...
- If I am not mistaken there are two... It can also mean ...
- Absolutely correct. And can you give ...?
- I have consulted ...many types ... For example, ...
- Some time ago I read ... municipal undertakings. The article spoke about... And it called for...
- May I ...? Just mentioned town halls. Are they ...?
- Practically speaking ... We have ... And in colleges ... But in Oxford University ...

Exercise 27 Write out English equivalents from the dialogue:

- 1 Откровенно говоря, я не уверен.
- 2 Мне кажется, что это город с местным органом самоуправления.

- 3 Если я не ошибюсь, есть два значения этого слова.
- 4 Другими словами это орган самоуправления.
- 5 Существует много видов коммунистических знаний и проявлений.
- 6 Разрешите перебить вас?
- 7 Строго говоря, у нас много различных общественных знаний.

Exercise 28 Write out the sentences, words and expressions which characterise informal talk, for example:

- | | |
|--------------------------|--------------------------------------|
| 1 (very short sentences) | What would you say? |
| 2 (colloquial phrases) | Well, you see... |
| 3 (special expressions) | It seems to me, practically speaking |

Exercise 29 Translate into English:

1. Публичное право касается общего, публичного интереса.
2. К публичному праву, например, относят конституционное и финансовое право.
3. В романо-германской правовой системе публичное право и частное право — две составные части континентального права.

Section 1: *Grammar Continuous Tenses*

Section 2: *Texts*

- 1 The nature of law
- 2 Custom and law
- 3 Enforcement

Section 3: *Newspaper item*

Russian law enforcers move against online music pirates

Section 4: *Speaking English Music pirates and law*

Section 5: *Word games*

Section 1 Grammar

Continuous Tenses

1 Группы Continuous Tenses включают следующие времена:

Present Continuous

настоящее продолжительное время

Past Continuous

прошедшее продолжительное время

Future Continuous

будущее продолжительное время

Эти времена выражают длительные незаконченные действия, которые совершаются в настоящий момент или совершаются в определенный момент в прошлом или возможны в будущем.

Future Continuous может также выражать действие, запланированное в ближайшем будущем.

2 В Continuous Tenses не употребляются глаголы, выражающие чувства, восприятия, умственные состояния:

to know

to want

to understand

to remember

to see

to forget

to hear (слышать)

to believe

to like

to love

Для выражения длительных незаконченных действий эти глаголы употребляются в Infinitive Tense.

3 Образование Continuous Tenses

Present Continuous

Утвердительная форма

I am studying law.
He/she is studying law.
We/they are studying law.

Вопросительная форма

Are you/they studying law?
Is he/she studying law?

Отрицательная форма

I am not studying physics.
He/she is not studying medicine.
We/they are not studying dynamics.

Past Continuous

Утвердительная форма

I/he/she was reading a book.
We/they were preparing for an exam.

Вопросительная форма

What were you /they writing?
What was he/she writing?

Отрицательная форма

I/he/she was not speaking at that moment.
We/they were not speaking.

Future Continuous

Утвердительная форма

I/we shall/will be swimming at this time.
He/she/they will be swimming too.

Вопросительная форма

Will you/he/she/they be swimming at this time?

Отрицательная форма

I/we shall/will not be swimming.
He/she/they will not be swimming.

Exercise 1 Use the verbs in Present Continuous, read and translate the sentences:

- 1 My friend (to study) administrative law at the ...
- 2 What subjects ... your friend (to study) now?
- 3 About what ... they (to talk) now?
- 4 I (not to go) to university today.
- 5 Listen to her! She (to speak) a foreign language. What language is it?
- 6 What case ... they (to hear) now?
- 7 The police still (to prepare) the papers.

Exercise 2 Use the verbs in Present Continuous or Present Indefinite, read and translate the sentences:

- 1 ... she (to visit) her parents this week?
- 2 They (to visit) their parents every other Sunday.
- 3 I have got a computer, but I (not to use) it much.
- 4 The company I work for (not to do well) so well this year.
- 5 At first I didn't like my job, but I (to begin) to enjoy it now.
- 6 Please, don't make so much noise. I (to try) to work.
- 7 What's all that noise? What ... (to go on)?

Exercise 3 Translate into English:

- 1 Мне начинают нравиться лекции по муниципальному праву.
- 2 Компания, где она работает юристконсультант, получила очень крупный контракт.
- 3 Он хочет работать на этой фирме. Поэтому и учит французский язык.
- 4 У меня есть большой юридический словарь, и я часто обращаюсь к нему.
- 5 Посмотрите электронную почту! Что пишет юристконсульт?
- 6 Что вы сейчас читаете?
- 7 Но помните. Заметка началась.

Exercise 4 Read and reproduce these mini-dialogues:

- a) — What are your plans for tomorrow night?
— We're going to the opera.
- b) — What perfume are you wearing? It smells lovely.
— Thanks. It's called 'Angel'.
- c) — Did you like the restaurant?
— Oh, I am never going there again! The food was horrible!
- d) — I don't really see what the problem is.
— No, I don't understand it either.
- e) — Are you seeing your brother tomorrow?
— Yes, we are going to see the match together.

Exercise 5 a. Answer the following questions:

- 1 Are you working or studying?
- 2 Where are you working/studying?

- 3 Do you like your job/studies?
- 4 And what about your friends? Are they all working?
- 5 Do you often meet?
- 6 Are you seeing them tomorrow?
- 7 What are you going to do then?

b. Reproduce the questions and your answers as a dialogue.

Exercise 8 a. Use the verbs in Past Continuous or Past Indefinite, read and retell the text:

The moon (to shine) its light on the still waters of the lake as the animals (to have) for their dinner in the forest. In the tiny log cabin, Jack Cagney (to sit) in front of the fire, trying to warm his cold feet. It had snowed earlier that day and Jack (to chop) wood in preparation for the long winter ahead.

Suddenly he (to hear) a strange noise. He quickly (to put on) his boots, (to grab) a torch and (to go) outside. He (to shine) the torch into the darkness but (to see) nothing.

A few seconds later, he (to hear) the noise again. With his heart thumping, he (to climb) the ladder leading to the roof. When he (to reach) the top, he (to see) two large eyes staring at him. Realising what it (to be), he (to chuckle) and (to sigh).

'Abigail! You nearly (to save) me to death!' The owl, which Jack (to nurse) back to health after she had broken her leg, (to look) and (to flutter) her wings.

b. Translate into English:

- 1 Это случилось однажды на озере Англии.
- 2 Наступила суровая зима.
- 3 Один из жителей посёлка пошёл в лес, чтобы нарубить дров.
- 4 Когда он сидел и грелся в своём маленьком доме, он услышал очень странный звук и испугался.
- 5 Но когда он появился на крышу, то увидел всего-ничего совы. Она сидела и хлопала крыльями.

Exercise 7 Read this letter and write a similar one (imagine you have got an English pen-friend):

Dear Kate,

How are you? I'm writing to you from Bali. I'm here on holiday. The weather is hot and sunny so I have got a great tan! I get up early every morning and go swimming in the warm sea. I'm going on a boat trip tomorrow morning. I'm really looking forward to it.

Right now I'm sitting on the beach. There is a restaurant nearby and the food smells wonderful! I'm starting to feel very hungry. Food in Bali tastes lovely. I must be careful, though, as I think I have already gained some weight!

Well, I'm coming home on Tuesday. My parents will meet me at the airport.

See you soon,

Love, Jenny

Section 2 Texts

The nature of law

The term 'law' is used in many senses: we may speak of the laws of physics, mathematics, science, or the laws of football. When we speak of the laws of a state we use the term law in a special and strict sense, and in that sense law may be defined as a rule of human conduct, imposed upon and enforced among the members of a given state.

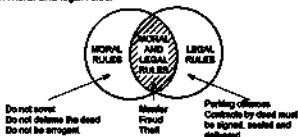
People are by nature social animals desiring the companionship of others, and in primitive times they tended to form tribes, groups, or societies, either for self-preservation or by reason of social instinct.

If a group or society is to continue, some form of social order is necessary. Rules or laws are, therefore, drawn up to ensure that members of their society may live and work together in an orderly and peaceable manner. The larger the community (or group or state), the more complex and numerous will be the rules.

People resort to various kinds of rules to guide their lives. Society may well disapprove of the transgression of different moral and ethical precepts. The law, however, is not concerned with such matters and

leaves them to the individual's conscience or moral choice and the pressure of public opinion: no legal action results.

Have a look at the diagram showing a certain degree of overlap between moral and legal rules:



Vocabulary

sense *чувство; смысл*

strict *строгий*

conduct [*'kɒndʌkt*] *поведение; to conduct* [*kən'dʌkt*] *вести, сопровождать*

to impose upon one [*'ɪmpoʊz*] *навязывать на кого-либо*

to lead into *вводить; ввести; вводить в заблуждение*

the pact *договор*

society [*sə'saɪəti*] *общество*

order *порядок; приказ; to order* *приказывать в порядке; приказывать; orderly* *аккуратный, организованный, регулярный*

disturbance [*'dɪstɜːb*] *возмущение*

to draw up (*draw, draws*) [*dɪɪz, dɪɪz, dɪɪz*] *составлять*

to ensure [*ɪnʃʊə*] *обеспечивать*

to resort to smth [*rɪ'zɔːt*] *прибегать к чему-либо*

to guide [*ɡaɪd*] *вести, направлять*

to disapprove of smth [*dɪsə'pruːv*] *не одобрять что-либо*

transgression [*trænz'ɡreɪʃn*] *нарушение (норм права)*

precept [*prɪ'sept*] *наставление, правило; предписание*

overlap [*oʊvəleɪp*] *частичное совпадение, перекрытие*

Exercise 8 Read and translate these international words:

instinct
moral

football
commune

to consult
consultation

morale
morality
ethics
ethical

community
humana
humanity
humanism

consulting
tendency
private
deflation

Exercise 9 Use the right Prepositions, read and translate the sentences:

with, upon, of, a, among, in, at

- 1 When we speak ... the laws ... a state, law may be defined as a rule ... conduct, imposed ... and enforced ... the members ... a given state.
- 2 Laws are drawn up to ensure that members ... their society may live and work together ... an orderly manner.
- 3 People resort ... different kinds ... rules.
- 4 Society may disapprove ... the transgression ... different precepts.
- 5 The law is not concerned ... such matters.
- 6 The law leaves such matters ... the individual's conscience.
- 7 There may be some pressure ... public opinion.

Exercise 10 Translate into English:

- 1 Этот термин имеет много различных значений.
- 2 Здесь этот термин употребляется в особом значении.
- 3 Необходима какая-либо форма общественного порядка.
- 4 Правовые законы составляют основу правового государства.
- 5 Чем больше государство, тем сложнее и многочисленнее законы.
- 6 Эти вопросы не составляют предмета права.
- 7 Никаких судебных исков не возникает.

Exercise 11 Write short sentences using the following:

- a) to be a law _____
to break the law _____
to lay down the law _____
to amend the law _____
- b) to have a right to do smth _____
to have no right to do smth _____
to have not much right to do smth _____
to give smth the right to do smth _____

Exercise 12 a. Answer the following questions:

- 1 How is the term law defined in the text?
- 2 How are people characterised?
- 3 Is some form of social order always necessary?
- 4 For what purpose are laws drawn up?
- 5 Does law regulate all spheres of life?

b. Retell the text.

c. Present the diagram given below the text to your group-mates.

You may start with these words: May I have your attention and say a few words about ...

Custom and law

When referring to the 'law' Englishmen usually imply the whole of the law, however it may have been formed. Much of English law was formed out of the customs of the people. But a great part of the law has been created by legislation, i.e. the passing of laws.

Common law and statutory law together comprise what is referred to as the 'Law of England'.

The legal author John Austin (1790—1850) asserted that law was a command of a sovereign and that citizens were under a duty to obey that command. Other writers say that men and women in primitive societies formed rules themselves, i.e. that the rules or laws sprang from within the group itself. Only later were such rules laid down by a sovereign authority and imposed on the group or people subject to them.

The law is a living thing and it changes through the course of history. Changes are brought about by various factors such as invasion, contact with other races, material prosperity, education, the advent of new machines or new ideas or new religions. Law responds to public opinion and changes accordingly.

People desire justice in their personal, social and economic dealings. There is no universal agreement on the meaning of justice, and ideal or perfect justice is difficult to attain. People strive for relative justice, not perfect justice; and good laws assist to that end.

Vocabulary

- to imply [im'plai] подразумевать; implication [im'plik'eɪʃn] подтекст, смысл
- to create [kri'eɪt] создавать, творить
- i.e. (hi nt Lei) = that is то есть
- to pass a law принимать закон; statutory/statute law статутное право, право, выраженное в законодательных актах
- to assert [ə'set] утверждать, заявлять
- to spring (spring, spring) возникнуть
- to invade [in'veɪd] захватывать; invasion [in'veɪʃn] захват, нападение
- generosity [dʒenə'reɪʃi] прощупывать; generosity ['dʒenərəti] щедрость
- advent [əd'vent] приход, прибытие
- to expand [ek'spænd] означать, расширять
- accordingly [ə'kɔ:dnɪ] соответственно
- to deal (deal, deal) иметь дело; dealings деловые отношения
- agreement [ə'ɡri:mənt] соглашение; согласие
- perfect ['pɜ:fɛkt] совершенный
- to attain [ə'teɪn] достигнуть, добиться
- to strive (strive, strive) сражаться, бороться
- to assist [ə'sɪst] помогать; assistance помощь, поддержка
- to that end с той целью

Exercise 13 Read and translate these international words:

continued	material	personal	idea
contact	religion	ideal	ideal
to contact	religious	universal	author

Exercise 14 Read the words paying attention to the sound (g):

referring	accordingly	reading
passing	dealings	writing
living	meaning	speaking
spring	interpreting	replacing
following	referring	beginning

Exercise 15 Use the right words, read and translate the sentences:

universal, statutory, relative, public, perfect, social, good

- 1 Common law and ... law together make up the 'Law of England'.
- 2 Law responds to ... opinion and changes.
- 3 People desire justice in their personal ... and economic dealings.
- 4 There is no ... agreement
- 5 ... justice is difficult to attain.
- 6 People strive for ... justice.
- 7 ... laws resist to that end.

Exercise 16 Use the correct Articles where necessary, read and translate the sentences:

- 1 When referring to ... law Englishmen usually imply ... whole of the law.
- 2 Much of ... English law was formed out of the customs of ... people.
- 3 ... great part of the law has been created by ... legislation.
- 4 ... legal author John Austin considered that law was ... command of a sovereign for ... citizens to obey.
- 5 ... law is ... living thing.
- 6 The law changes through ... course of ... history.
- 7 Law responds to ... public opinion and changes accordingly.

Exercise 17 a. Read the text and answer the following questions:

- 1 Was English law mainly formed out of the customs of the people?
- 2 What two laws comprise the Law of England?
- 3 What did many legal writers say about the origin of law?
- 4 Who was John Austin and what was his opinion about the nature of law?
- 5 Why does law have to change?
- 6 What do people think about justice?
- 7 Is perfect justice attainable?

b. Write a plan of the text.

c. Retell the text in accordance with the plan.

Enforcement

If the rules or laws are broken, compulsion is used to enforce obedience. We may say, then, that two ideas underlie the concept of law:

- (a) order, in the sense of method or system
- (b) compulsion, i.e. the enforcement of obedience to the rules or laws laid down.

Unless a law is enforced it loses its effectiveness as a law and those persons subject to it will regard it as dead. The chief characteristic of law is that it is enforced, such enforcement being today carried out by the State.

Thus if A steals a wallet from B, A may be prosecuted before the court and may be punished. The court may then order the restitution of the wallet to its rightful owner, B. The 'force' used is known as a sanction and it is this sanction which the State administers to secure obedience to its rules.

Vocabulary

enforcement [ɪn'fɔːsmənt] принудительное применение (права, закона); правоприменение

compulsion [kəm'pʌlʃən] принуждение

to underline ['ʌndəlaɪn] подчеркивать, выделять, акцентировать

unless [ən'les] пока не, если не

wallet ['wɒlɪt] бумажник

to own [əʊn] владеть; owner [ˈɔːnə] владелец, собственник; ownership [ˈɒnəʃɪp] право собственности

to assure [ə'sʊə] обеспечивать; assure [ə'sʊə] заверить, гарантировать

Exercise 18 Read and translate these international words:

concept

restitute

characteristic

effect

restitution

methodical

effective

sanction

plate

effectiveness

method

administrative

economic

discipline

administration

Exercise 19 Read and translate the sentences paying attention to the words *to enforce, enforcement*:

- 1 If laws are broken, compulsion is used to enforce obedience.
- 2 Compulsion means enforcement of obedience to rules and laws.
- 3 Unless a law is enforced it loses its effectiveness.
- 4 Today enforcement is carried out by the State.
- 5 The headmaster could not enforce discipline at school.
- 6 The teacher tried to enforce silence.
- 7 The authorities tried to enforce a certain course of action upon the employees.

Exercise 20 a. Translate the word combinations using the word *rightful*

законный владелец дома _____
законный владелец земли _____
закон государства по праву _____
закон фирмы по праву _____
законные действия _____
законный наследник _____

b. Write sentences using these words:

rightful _____	legal _____
compulsion _____	enforcement _____
restitution _____	return _____
to underline _____	to stress _____
to secure _____	to ensure _____

Exercise 22 Read and translate the sentences:

- 1 These rules are often broken.
- 2 Unless a law is enforced, it is ineffective.
- 3 This law is regarded as dead.
- 4 The force used is known as a sanction.
- 5 This method is rarely used.
- 6 Two ideas can be underlined.
- 7 This person may be prosecuted.

Exercise 29 a. Reread the text and answer the following questions:

- 1 When is compulsion usually used?
- 2 What two ideas emphasise the concept of law?
- 3 In what cases is law regarded as dead?
- 4 What is a sanction?
- 5 About what restitution did the text speak?

b. Translate the text into Russian.

c. Write a summary of the above three texts.

Section 3 Newspaper item

Russian law enforcers move against online music pirates
(*Financial Times*, February 2005)

Russian law enforcement agencies have taken their first action against rampant online music piracy. They launched an investigation into one of the country's leading music Websites.

The Moscow prosecutor's office is considering charges against 'Allo.com' — which sells music around the world — following separate investigations by the city's police computer crimes unit and the International Federation for the Phonographic Industry (IFPI).

The move reflects mounting concern over piracy in Russia, where more than two-thirds of all music sold is thought to be illegally copied. Music industry groups have urged governments to crack down on pirate CD factories and unlicensed websites, claiming the revenues undermine legitimate sales and support organized crime.

The website is accused of distributing illegally copied tracks online for about 6 US cents each, compared with an industry average of 99 cents on legitimate download services.

The Moscow City Prosecutor's office has 30 days to decide whether to proceed with a criminal prosecution.

Igor Pochikov, regional director of the IFPI, said the Russian case was an important test for protecting the sale and digital distribution of copyrighted music.

Vocabulary

network ['netwɜ:k] распространяющий, распространённый, связывающий, безудержный
to launch [ləʊnʃ] начинать, запускать
investigation [ɪn'vestɪ'geɪʃn] расследование
unit [ju:nɪt] подразделение, принцип
to swim [swɪm] плыть
sawyer [sɔ:'ɔ:ɪ] боевой мастер
to claim [kleɪm] заявлять
reviewer ['ri:vju:ə] рецензент
to undertake ['ʌndə'teɪk] принимать
legitimate [lə'dʒɪtɪmət] законный; *ant. illegitimate* незаконный
to distribute [dɪ'strɪbjʊt] распространять, реализовывать
average ['ævərɪdʒ] средний; среднее арифметическое
digital ['dɪʒɪtəl] цифровой
copyright ['kɒprɪt] авторское право; охраняемый авторским правом

Exercise 24 Translate the word combinations of nouns, remembering the following:

Существительное может служить определением к другому существительному, тогда оно стоит перед ним:

law enforcer
computer law

сотрудник правоохранительных органов
право, регулирующие деятельность компьютерных компаний

- 1 online music plate
- 2 law enforcement agency
- 3 the city's police computer crimes unit
- 4 pirate CD factory
- 5 the Moscow City Prosecutor's office

Exercise 25 Use the verbs in Present Infinitive or Present Continuous, read and translate the sentences:

- 1 The authorities *(to consider)* changes against this company.
- 2 This move *(to reflect)* mounting concern over piracy.
- 3 The Prosecutor's office *(to have)* thirty days to make a decision.
- 4 I *(not to know)* much about this problem.
- 5 Many newspapers and other mass media *(to discuss)* this topic nowadays.

- 6 Many of them (to call) it a disease which (to grow) with time.
- 7 As far as I (to know) they (to take) legal actions against downloaders.

Exercise 26 Translate into English:

- 1 Прокуратура города Москвы
- 2 специальное подразделение по борьбе с компьютерными пиратами
- 3 рассматривать обвинения, выдвинутые против...
- 4 более двух третей произведённых музыкальных записей
- 5 считается, что они были сделаны легальным образом
- 6 призывать к уничтожению этих контрафактных дисков
- 7 отрицательно относиться на провале лицензионных дисков

Exercise 27 a. Answer the following questions:

- 1 When was this article published?
- 2 Are many people interested in this matter?
- 3 What bodies are meant by "Russian law enforcers"?
- 4 What were their actions against the pirates?
- 5 What was the opinion of music industry officials?
- 6 Against whom was the charge made?
- 7 What was the opinion of the regional director of the International Federation for the Phonographic Industry (IFPI)?

b. Retell the newspaper item.

Section 4 Speaking English

Music pirates and law

During a break at Davies's School of English

- Nick:** Yesterday I found a very curious report in the Internet.
- Ann:** About what was it?
- Nick:** It concerned illegal music fans. The report said that people who illegally share music files online were also big spenders on legal music downloads.
- Peter:** Oh, I also read this report and I was very much surprised. As far as I remember the report was made by the digital music

research firm. They found that music pirates spent five times more on paid-for music downloads than average fans.

Nick: As to me, I paid attention to that part of the report which spoke about some remedies. Instead of taking legal action against illegal downloaders, music industry needs to make them use legal alternatives.

Ann: But I read somewhere that legal downloads tripled during 2006.

Nick: And can you imagine that in the first half of 2006, some ten million songs were legally downloaded? So things are really changing for the better.

Vocabulary

curious ('kjʊrɪəs) любопытный

to share делиться

to spend тратить

as to me что касается меня

instead of (ɪn'stiəd) вместо

to make use of something воспользоваться чем-либо, сделать что-либо

to triple утроится

to change for the better измениться к лучшему

Exercise 28 Answer the following questions:

- 1 Who are the young people?
- 2 About what are they talking?
- 3 What started the conversation?
- 4 Is the situation changing for the worse, according to the talk?
- 5 Which of the young men gave most interesting information, to your mind? What was that information?

Exercise 29 Complete these sentences as in the talk:

- 1 The report said that people who illegally share music files online were also ...
- 2 The report was made by the digital ...
- 3 They found that music pirates spent five times more on ... than average ...
- 4 I paid attention to that part of the report which spoke ...

- 5 Instead of taking legal action against ..., music industry needs to make them...
- 6 But I read somewhere ... during 2005.
- 7 So things ...

Exercise 30 Write and read your own sentences using the following:

- 1 as far as I remember _____
- 2 as to me _____
- 3 to pay attention to _____
- 4 to share files _____
- 5 to take legal action against smb _____
- 6 to spend five times more _____
- 7 to make smb do smth _____

Exercise 31 Read the following words paying attention to the sounds [θ] and [z]:

music	curious
music firms	it concerned
music files	this report
as far as I remember	research firm
as to me	instead of taking legal action
What was it?	the first half
I was very much surprised.	some people

Exercise 32 a. Read these sentences paying attention to the intonation.

- 1 Yesterday I found a very curious re[^]port.
- 2 The report[^] said I they were also big spenders on[^] legal music.
- 3 I also read this re[^]port | and I was very much sur[^]prised.
- 4 As far as I remember the report was made by a special[^] firm.
- 5 As to[^] me, | I paid attention to that part of the report which spoke about some[^] remedies.

b. Reread and reproduce the talk.

c. Write out the sentences, expressions and words characteristic of informal talk (rhetorical questions, short sentences, colloquial phrases, special expressions and words).

Section 5 Word game

How many different terms do you know now referring to legislation?
Can you complete the box?

1 L A ?

2 A C ?

3 L E ? A L

4 C O ? R T

5 S T ? T U T E

6 D A ? A G E S

7 P R O C ? D U R E

8 S U C C ? S S O R

9 L E G ? S L A T I O N

10 E N F ? R C E M E N T

11 J U R I S P R U D ? N C E

12 T R A N S G R E S ? I O N

STATES, STATUTES AND CONSTITUTIONS

UNIT
5

Section 1: *Grammar* Perfect Tenses

Section 2: *Texts*

1 The Russian Federation

2 State power in the Russian Federation

3 The USA and the Constitution

Section 3: *Speaking* English Votes

Section 4: *Annotation of the book* Interpreting State Constitutions

Section 5: *Newspaper item* New statutes of Catalonia

Section 1 Grammar

Perfect Tenses

1 **Приним Perfect Tenses включают следующие времена:**

Present Perfect

настоящее совершенное время

Past Perfect

прошедшее совершенное время

Future Perfect

будущее совершенное время

Эти времена выражают действия, совершенные к настоящему моменту, или к указанному моменту в прошлом или будущем.

2 **Образование Perfect Tenses**

Present Perfect

Утвердительная форма

I/we/they have read the text.

He/she has read the text.

Отрицательная форма

I/we/they have not read the text.

He/she has not read the text.

Вопросительная форма

Have you/they read the text?

Has he/she read the text?

Past Perfect

Утвердительная форма

I/he/she/we/they had done the exercise.

Отрицательная форма

I/he/she/we/they had not done them.

Вопросительная форма

Had you/he/she they done the exercise?

Future Perfect

Утвердительная форма

I/we shall/will have translated it.
He/she/they will have translated it.

Отрицательная форма

I/we shall/will have not translated it.
He/she/they will have not translated it.

Вопросительная форма

Will you/he/she/they have done it?

Exercise 1 a. Use the verbs in Present Perfect, read and translate the sentences:

- 1 We (to cover) four units of this text-book.
- 2 We (to revise) two Grammar Tenses.
- 3 I (not to do) some exercises of Unit Three.
- 4 He (to buy) a few books in English.
- 5 Kate (to know) Tom since 2000. They met for the first time in Kiev.
- 6 Ann (to ask) her friend today to tell her the latest news.
- 7 He (to send) her ten letters this month.

b. Translate into English:

- 1 В этот день он законил сь несложную ртс.
- 2 Вы уже отправили ей поздравительную открытку?
- 3 Я знаю ее с прошлого года. Мы познакомились в зимние каникулы.
- 4 Вы купили ее новый роман?
- 5 Я никогда не был на Волге.
- 6 Вы были в этом театре?
- 7 Мы еще не видели этого фильма.

Exercise 2 a. Read and answer the following questions:

- 1 How many films have you seen this year? Which was the most interesting?
- 2 Have you bought any video films this year? What are they?
- 3 To what interesting places in Russia have you been lately?
- 4 To what foreign countries have you been?
- 5 Have you been to Britain? What was your impression?

b. Read and reproduce these mini-dialogues:

- 1 — How long have you known him?
— For about a year.
- 2 — He has just finished painting the living room. Doesn't it look great?
— Oh, yes. It's really beautiful. And it seems to me you have changed the furniture, haven't you?
— We have changed only chairs.
- 3 — I haven't been to the theatre for ages.
— Neither have I.
- 4 — Have you ever been to Paris?
— I have been there twice this year.
- 5 — Has your friend left Moscow?
— Not yet. But he has booked the tickets for the trip. He is leaving next week.

Exercise 3 a. Use the verbs in Present Perfect or Past Indefinite, read and translate the sentences:

- 1 He *(to return)* home a few minutes ago.
- 2 He *(to return)* home. Telephone him. Or he *may* leave soon.
- 3 They *(to arrive)* in Barcelona last week.
- 4 He *(to come)* home, *(to go)* to the kitchen and *(to make)* some coffee on the coffee machine.
- 5 When ... you last *(to see)* him?
- 6 I ... not *(to see)* him for a very long time.
- 7 We *(to book)* three tickets for Chris Ree's concert.

b. Translate into English:

- 1 Вы уже купили билеты на эту премьеру?
- 2 Я был на его концерте несколько лет назад.
- 3 Когда он давал концерт в Санкт-Петербурге?
- 4 Когда он приехал в Москву?
- 5 Он находится в Москве уже неделю.

Exercise 4 a. Use the verbs in Past Perfect, Past Indefinite or Past Continuous, read and translate the sentences:

- 1 They (to translate) the text by the time the teacher (to come).
- 2 I (to write) the essay by 12 o'clock.
- 3 He (to write) the essay the day before yesterday.
- 4 I (to phone) her at seven o'clock last night. She ... already (to write) the essay.
- 5 I (to watch) the football game on TV at 8 o'clock last night.
- 6 We (to play) chess when the lights (to go out).
- 7 Natalia (to fly) her kite while her sister (to ride) her bicycle.

b. Translate into English:

- 1 Когда она пришла домой, дети уже сделали уроки.
- 2 Он написал ей письмо еще на прошлой неделе.
- 3 Я пришла к нему вчера. Он уже перевел эту статью. И я просмотрел перевод.
- 4 Что он делал пока вы просматривали эти статьи?
- 5 Я не знаю, когда он опубликовал эту статью.

Exercise 5 a. Use the verbs in Future Perfect, Future Indefinite or Future Continuous:

- 1 He (to have) a holiday in five months.
- 2 At this time tomorrow morning he (to have) an English lesson.
- 3 I hope he (to finish) this work by noon.
- 4 We don't know who (to read) these lectures next week.
- 5 I (to meet) him if he comes to Moscow next week.
- 6 If he reads all these books he (to be) able to write a good essay.
- 7 He (to come) at eight. I am sure he (to read) something in his study-room.

b. Translate into English:

- 1 Я не знаю, когда будет семинар.
- 2 Вы напишете этот реферат ко вторнику?
- 3 Я думаю, что в это время он уже будет в Лондоне.
- 4 Я позвоню вам, когда сделаю экзамен.
- 5 Я прочтёшь эту статью, если найду её в Интернете.

Section 2 Texts

The Russian Federation

A State is a territorial division in which a community of people lives subject to a uniform system of law administered by a sovereign authority. Laws are laid down by some authority such as a monarch, dictator or group of people in whom special power is vested.

The Russian Federation, or Russia, whose names are equal according to the Constitution of the RF, is a democratic federal law-governed State with a republican form of government.

The Constitution was adopted on the 12th December, 1993.

Here are a few extracts from the Constitution of the Russian Federation:

Article 4

1. The sovereignty of the Russian Federation shall cover the whole of its territory.
2. The Constitution of the Russian Federation and federal laws shall have supremacy in the whole territory of the Russian Federation.

Article 5

- 1 The Russian Federation consists of republics, territories, regions, cities of federal importance, an autonomous region and autonomous areas – equal subjects of the Russian Federation.
- 2 A republic (State) shall have its own constitution and legislation. A territory, region, city of federal importance, autonomous region, and autonomous areas shall have its charter and legislation.
- 3 The Federal structure of the Russian Federation is based on its state integrity, the unity of the system of state authority, the division of authority and power between the bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation, the equality and self-determination of peoples in the Russian Federation.
- 4 In relation with federal bodies of state authority all the subjects of the Russian Federation shall be equal.

Vocabulary

community [kə'mju:nɪti] сообщество
 subject to suit ['sʌbdʒɪt] быть ущемлен кто-либо
 to vest power in suit давать власть кому-либо
 to adopt a constitution принимать конституцию
 extract ['ɛkstrækt] отрывок; to extract [ɪk'strækt] драть, выдергивать
 article статья (документа)
 to cover ['kʌvə] 1) совещать; 2) покрывать
 supremacy [sɪp'rɪməsi] 1) верховная власть; 2) превосходство
 integrity 1) целостность; 2) прямота, честность
 body of state power орган государственной власти
 equal ['i:kwəl] равный; equality равенство
 self-determination cамодетерминация

Exercise 6 Read and translate these international words:

division	sovereign	structure
republic	monarch	authority
region	dictator	uniform
autonomy	group	to administer

Exercise 7 Read these words paying attention to the stress:

,constitution	'federal	de'mocracy
,constitutional	,fede'sation	,demo'cratic
,legis'lation	'territory	de',termin'ation
,legis'lative	,terr'torial	'self-de',termin'ation

Exercise 8 Read and translate the sentences into Russian paying attention to the verb *shall*.

В текст официального документа слово *shall* обычно указывает функции морального закона. При этом глагол *shall* и следующий за ним существительный могут переводиться настоящим временем:

The sovereignty of the RF *shall* cover the whole of its territory.
 Суверенитет РФ распространяется на всю ее территорию.

- 1 The Constitution of the RF and federal laws shall have supremacy in the whole territory of the RF.
- 2 A republic shall have its own constitution and legislature.
- 3 A territory, region, city of federal importance shall have its charter and legislation.

- 4 Autonomous regions and autonomous areas shall have their charters and legislation too.
- 5 In relation with federal bodies of state authority all the subjects of RF shall be equal.

Exercise 9 Translate into English:

- 1 Государство — это политическая организация общества с определенной формой управления.
- 2 Правовая система реализуется государственной властью.
- 3 Юридически Федеративный союз уже сформирован.
- 4 Этим органом дана особая власть.
- 5 Ниже приводятся некоторые статьи конституции.

Exercise 10 Answer the following questions:

- 1 What kind of state is the Russian Federation, according to the Constitution?
- 2 When was the Constitution adopted?
- 3 What is the make-up of the Russian Federation?
- 4 What is the basis of the federal structure of the RF?
- 5 Do you think that the complete text of the two Articles was quoted?

State power in the Russian Federation

Article 10 (of the Constitution of the RF)

State power in the Russian Federation shall be exercised on the basis of its division into legislative, executive and judicial. The legislative, executive and judicial authorities shall be independent.

Article 11

- 6 State power in the Russian Federation shall be exercised by the President of the Russian Federation, the Federal Assembly (the Council of the Federation and the State Duma), the Government of the Russian Federation, and the courts of the Russian Federation.
- 7 State power in the subjects of the Russian Federation shall be exercised by the bodies of state authority created by them.
- 8 The division of authority and powers among the bodies of state power of the Russian Federation and the bodies of state power of the subjects of the Russian Federation shall be effectuated by this Constitution, federal and other treaties on the determination of the authority and powers.

Article 12

In the Russian Federation local self-government shall be recognized and guaranteed. Local self-government shall be independent within the limits of its authority. The bodies of local self-government shall not be part of the system of state authorities.

Article 15

- 1 The Constitution of the Russian Federation shall have the supreme judicial force, direct application and shall be used on the whole territory of the Russian Federation. Laws and other legal acts adopted in the Russian Federation shall not contradict the Constitution of the Russian Federation.
- 2 The bodies of state authority, bodies of local self-government, officials, private citizens and their associations shall be obliged to observe the Constitution of the Russian Federation and laws.
- 3 Laws shall be officially published. Unpublished laws shall not be used. Normative legal acts concerning human rights, freedoms and duties of men and citizen may not be used, if they are not officially published for general knowledge.
- 4 The universally recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system. If an international treaty or agreement of the Russian Federation establishes other rules than those envisaged by law, the rules of the international agreement shall be applied.

Vocabulary

to exercise power осуществлять власть

judicial [dʒuˈdʃiəl] судебный, судебный

independent non-environmentally; independently независимо

to effectuate [ɪˈfektʃueɪt] осуществлять, приводить в исполнение

determination 1) определение, установление; 2) решимость

application заявление

to contradict противоречить

to observe [əbˈzɜːv] соблюдать

to envisage [ɪnˈvɪʒɪz] предусматривать

Exercise 11 Read and translate the following:

1 state power

2 Council of the Federation

- 3 the courts of the RF
- 4 the bodies of state authority
- 5 the subjects of the Federation
- 6 within the limits of its authority
- 7 to have the supreme judicial force
- 8 human rights
- 9 duties of men and citizens
- 10 legal acts published for general knowledge

Exercise 12 Choose the right Preposition, read and translate the sentences:

- 1 State power is exercised (*in, on*) the basis of the division (*in, into*) three branches.
- 2 All these branches of power are independent (*of, on*) each other.
- 3 State power in the Federation is exercised (*by, with*) the President, the Federal Assembly, the Government and the courts.
- 4 The division (*in, of*) authority and powers is effected (*by, from*) the Constitution and treaties.
- 5 Local government is independent (*within, with*) the limits of its authority.
- 6 Laws and normative legal acts may not be used if they are not officially published (*for, with*) general knowledge.
- 7 Special power is invested (*to, by*) these authorities.

Exercise 13 Fill in the blanks with the right words, read and translate the sentences:

authority, part, subjects, government, acts, competence, power

- 1 State power in the ... of the Federation is exercised by the bodies of state authority created by them.
- 2 In the Russian Federation local ... is recognized and guaranteed.
- 3 The bodies of local self-government is not ... of the system of state authorities.
- 4 The Constitution has the supreme judicial ... on the whole territory of the Federation.
- 5 Laws and other legal ... shall not contradict the Constitution.
- 6 The bodies of state ..., bodies of local self-government, officials, citizens and their associations are obliged to observe the Constitution.
- 7 The universally recognized norms of international law are a ... part of its legal system.

Exercise 14 Read and translate the sentences paying attention to the Pronoun *that/those*:

В текстах официальных документов иностранного *that/those* часто употребляются как заместители существительного, стоящего перед ними:

The treaty establishes other rules *than those* envisaged by law.

Договор устанавливает другие правила, а не те (правила), что предусмотрены законом.

- 1 If an international treaty establishes other rules *than those* envisaged by law, the rules of the international agreement shall be applied.
- 2 This treaty is different from *that* signed last month.
- 3 Our practice is different from *that* of Ireland.
- 4 Their traditions are similar to *those* preserved in many oriental countries.
- 5 Their legal system is different from *to* *that* described in their constitution.

Exercise 15 Translate into English:

- 1 осуществлять государственную власть
- 2 законодательная, исполнительная и судебная ветви власти
- 3 органы власти
- 4 разграничение предметов ведения и полномочий
- 5 взаимодействие в пределах своих полномочий

Exercise 16a. Translate the text.

b. Write the summary of the two texts on the Constitution of the RF.

c. Reproduce the summary as a report. (Imagine you are speaking in public.)

You may start with the following:

Ladies and Gentlemen

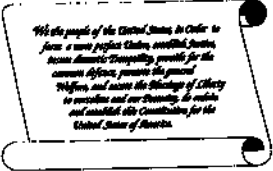
I am here to answer your questions about a few certain articles of the Constitution of the Russian Federation. But first let me say up these articles ...

The USA and the Constitution

The United States of America is a federation, an indivisible union, of 50 states. For this reason, the national government of the United States is called the federal government. Each state also has its own government, the state government, and every city, town, village, and borough has its own local government.

The US Constitution was drafted at Philadelphia, Pennsylvania, in 1787 by a convention of delegates from the 13 states comprising the United States at that time. The Constitution was ratified by the states over the next two years and became 'the law of the land' in 1788.

The Constitution of the United States is made up of two parts: the Document and the Amendments. The Document contains a Preamble, which is a brief statement expressing the intentions of the authors. The Preamble states:



We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The Document also contains the Articles which outline the structure and operation of the government:

Article 1 establishes the legislative branch of the government and lists its powers.

Article 2 establishes the executive branch of the government and lists its powers.

Article 3 establishes the judicial branch and lists its powers.

Article 4 establishes a uniform relationship between the states.

Article 5 establishes a procedure for amending the Constitution.

Article 6 Establishes the Constitution as the supreme law of the land.

Article 7 establishes a procedure for the states to ratify the Constitution.

Amendments to the Constitution have been made from the very beginning of its acceptance as law. Amendments are made to add or to change the Constitution. The first 10 amendments to the Constitution were ratified in 1791. These 10 amendments are known as the Bill of Rights. About 20 amendments have been made to the USA Constitution since then.

In accordance with the Document of the Constitution the executive branch of the government is headed by President, the legislative power is vested in Congress and the judicial power – in the Supreme court, consisting of nine justices, who are appointed by President for life term.

There are eight associate justices and the Chief Justice in the Supreme Court.

Congress consists of the House of Representatives and the Senate. The diagram on page 80 shows how Congress makes laws.

Vocabulary

borough ['bʊrə] округ

amendment поправка, дополнение, дополнение

to enact создавать

provision [prə'vɪʒn] промышля, законная часть

brief краткий

statement заявление

to intend намереваться; intention намерение

temperality [tem'pɪrəli] спокойствие

to provide for smth [prə'vɪd] предусматривать, уступать что-либо

before закон; before someone someone закон

to provide smth способствовать, способствовать чему-либо

willful ['wɪlfʊl] безосновательный

Blessing благословение; благо

unlawfully незаконно; похитить

to devote посвящать; предоставлять

to advise ['advaɪs] наставлять и обучать чему-либо

associate justice член суда

to hold hearings проводить слушания

to schedule ['skedʒʊl] назначать; составлять

to fail не увенчаться; they failed to come to an agreement only as principle и обману согласно; failure провал, неудача; without fail обязательно, точно

to overlook отвлечь, не принимать во внимание

How Congress Makes Laws

A bill (proposal for a new law) is introduced in the House of Representatives.

The bill is referred to the appropriate committee, which holds hearings and gives its recommendations to the full House.

The leadership of the House schedules the bill for debate by the full House.

The House debates and can amend the bill.

The House passes the bill.

A bill (proposal for a new law) is introduced in the Senate.

The bill is referred to the appropriate committee, which holds hearings and gives its recommendations to the full Senate.

The leadership of the Senate schedules the bill for debate by the full Senate.

The Senate debates and can amend the bill.

The Senate passes the bill.

All bills must pass both the House and the Senate in identical form before being presented to the President.

One house agrees to the other house's version.

House and Senate members are appointed to a conference committee and agree to a compromise bill.

House and Senate exchange amendments to the bill and reach agreement.

Compromise approved in the House.

Compromise approved in the Senate.

Legislation presented to the President.

President signs bill into law.

If Congress is in session, the bill becomes law without the President's signature after 10 days.

If Congress is not in session, the bill fails to become law without the President's signature after days ("pocket veto").

President vetoes the bill.

Congress can override veto by a two-thirds vote in each house.

Exercise 17 Read and translate the following into Russian:

- 1 an indivisible union.
- 2 to (draft) a constitution.
- 3 to ratify a constitution.
- 4 the 13 states comprising the United States
- 5 a uniform relationship between the states
- 6 amendments have been made
- 7 amendments are made to change the Constitution

Exercise 18 Fill in the blanks with correct Articles, read and translate the sentences:

- 1 ... Constitution of ... United States is made up of two parts.
- 2 ... Document of ... Constitution contains ... Preamble and ... few articles.
- 3 ... Article 1 establishes ... legislative branch of ... government.
- 4 ... Article 5 establishes ... procedure for amending the Constitution.
- 5 ... first ten amendments to ... Constitution were ratified in 1791.
- 6 These amendments are known as ... Bill of Rights.
- 7 Here is ... diagram showing the way laws are made.

Exercise 19 Translate into English:

- 1 С тех пор принято более 20 поправок.
- 2 В соответствии с Конституцией США исполнительную власть осуществляет Президент США.
- 3 Законодательная власть принадлежит Конгрессу.
- 4 Судебная власть осуществляется Верховным судом.
- 5 Суды Верховного суда избираются пожизненно.
- 6 Возглавляет Верховный суд Главный судья.
- 7 В состав Верховного суда входят также восемь членов суда.

Exercise 20 Translate into Russian paying attention to the words *to fail, failure, without failure*:

- 1 If Congress is not in session, the bill fails to become law without the President's signature after 10 days.
- 2 They failed to form an appropriate committee.
- 3 They will refer the bill to the committee without failure.
- 4 They failed to introduce the bill last week.
- 5 They failed to schedule the bill for debate next month.

Exercise 21 Translate into Russian paying attention to the verb *do* *do*:

В утверждённой прописке для усвоения значения глагола, стоящего в Present Indefinite или Past Indefinite, всегда употребляется вспомогательный глагол *do*/*did*.

They *did* *fail* to form the Committee last year.
В прошлом году они так и не организовали этот Комитет.

- 1 We *do* *order* this Constitution for the benefit of the country.
- 2 They *did* *write* so in the Preamble.
- 3 He *did* *sign* this paper.
- 4 I *do* *sometimes* meet him there.
- 5 They *do* *discuss* such problems in English.

Exercise 22 a. Read and translate the Preamble into Russian.

b. Present the diagram showing how Congress makes laws.

c. Answer the following questions:

- 1 How many states are there in the USA?
- 2 What is the federal government?
- 3 What is the state government?
- 4 What do Americans usually mean when they say 'state'?
- 5 When was the USA Constitution adopted?

d. Write a few questions you would ask an American about the USA Constitution.

Section 3. Speaking English

Veto

At a lesson at Davies's School of English

May: Am I right to say that the word 'veto' is used both as a noun and as a verb?

Teacher: Yes, you are quite right. And do you all know what the noun 'veto' means?

Ann: Can I read the definition? I have copied it. It is 'a constitu-

sional right of a sovereign, president, legislative assembly or other body to reject or forbid something'.

Kate: In other words it is a statement that rejects or prohibits something.

Teacher: Absolutely correct. And what about the verb 'to veto'?

Ann: It seems to me it means 'to prohibit, to reject'. In the dictionary I found a few examples about the police who vetoed a certain demonstration, about some parents who vetoed their son's plan to buy a motor-cycle.

Kate: And I liked the expressions 'to put a veto on something' or 'to exercise the veto'.

Ann: And 'the right to veto'. Is it correct?

Teacher: Yes, certainly. But many people don't like the word. It is rather categorical. And they try to avoid it. But as to official documents, like constitutions, for example, they certainly contain such clear-cut words.

Vocabulary

definition [ˌdɛfɪ'nɪʃn] объяснение

to reject [rɪ'dʒekt] отклонить

clear-cut слова, четкий

Exercise 23 Read the sentences paying attention to the intonation:

- 1 Am I right to say [/] this?
- 2 Am I right to say that it is used as a [/] noun?
- 3 Am I right to say that it is used both as a noun and as a [/] verb?
- 4 In other words it is a statement that rejects \ something.
- 5 But as to official [/] documents, they contain \ such words.

Exercise 24 a. Complete and read the sentences:

- 1 And do you know what the noun veto ...?
- 2 It is a constitutional right of ... to reject ...
- 3 In the dictionary I found a few examples about the police who..., about some parents who ...
- 4 And I liked the expressions to put ... or to exercise ...

- 5 But many people don't ... It ... categorical.
- 6 And they try ...
- 7 But as to official documents, like ..., they certainly ...

b. Write out the words, expressions and sentences from the talk, which characterise informal oral speech.

c. Reproduce the talk.

d. Act out a similar talk. (You may speak about such words as 'state – to state, structure – to structure, list – to list' or others.)

Section 4 Annotation of the book

Interpreting State Constitutions

(Annotation of the book of 312 pages written by James A. Gardner, a professor at the University of Buffalo Law School)

Interpreting State Constitutions examines and proposes a solution to a problem central to contemporary debates over the enforcement of civil liberties: how courts, government officials, and lawyers should go about interpreting the constitutions of the American states.

With the Supreme Court's retreat from the aggressive protection of individual rights, state courts have begun to interpret state constitutions to provide broader protection of liberties. This development has reversed the polarity of constitutional politics, as liberals advocate unpimped state power while conservatives lobby for state subordination to a constitutional law controlled centrally by the Supreme Court.

James A. Gardner here lays out the first fully developed theory of subnational constitutional interpretation. He argues that states are integral components of a national system of overlapping and mutually checking authority and that the purpose of this system is to protect liberty and defend against federal domination. The resulting account provides valuable prescriptive advice to state courts, showing them how to fulfill their responsibilities to the federal system in a way that strengthens American constitutional discourse.

Vocabulary

to interpret [ɪn'tɜ:pɪt] толковать, переосмыслить (устно); interpretation [ɪn'tɜ:pɪ'teɪʃn] толкование, объяснение; перевод

to propose [prə'pəʊz] предлагать

to solve a problem разрешить проблему; solution решение

contemporary современный

to retreat [rɪ'tri:t] отступать

to reverse [rɪ'veɜ:s] повернуть(ся) и противоположном направлении

to advocate [əd'veɪkət] отстаивать, выступать в защиту

unprepared беспрепятственный

subordination подчинение

to lay out планировать, разбить (план, участок и т.д.)

to argue ['ɑ:gju:] спорить; обсуждать, убеждать, доказывать

integral ['ɪntɪgrəl] целостный, совокупный

mutual взаимный

valuable ценный, полезный

to fulfil (Am. to fulfill) [fʊl'fɪl] выполнять, исполнять

to strengthen ['streŋθən] усилить(ся)

discourse [dɪ'skɔ:s] рассуждение (устное или письменное), лекция, доклад, речь

Exercise 27 a. Read the annotation and answer the following questions:

- 1 What annotation is this?
- 2 Is the name of J.A. Gardner familiar to you?
- 3 Do you think the annotation was published in a catalogue of new books?
- 4 Was it easy or difficult to understand the ideas of the author of the book?

b. Write out and translate the sentences which, to your mind, express the main idea(s) of the book written by J.A. Gardner.

c. Translate the annotation into Russian.

d. Write an annotation of one of the books on law you have read recently. (It may be a book in Russian.)

Section 5 Newspaper Item

New statutes of Catalonia (*Financiel Tribune*, November 2005)

Catalonia demands independence that will be debated in the Spanish national parliament on Wednesday.

The wealthy region of five people wants to be called a nation. It also wants control over its own tax affairs and most aspects of its economy, including the regulation and supervision of financial markets, energy, infrastructure and telecommunications.

Under the new statutes, control would be extended over police and the judiciary, the prison service, ports and airports. The region would administer its own European Union funds and would have to be consulted by the Spanish government on all matters, including international treaties, that affected Catalan interests.

Catalan politicians devoted almost two years to drafting new autonomy statutes that aim to redefine Catalonia's relationship with the rest of Spain. The 111-page document was approved by an overwhelming majority of the regional parliament at the end of September.

The text must now be reviewed by the Spanish parliament. But it has already provoked the wrath of poorer Spanish regions, which fear they will lose out if Catalonia stops contributing to the national budget.

Vocabulary

to demand [di'mænd] требовать

independence независимость

wealthy ['welθi] богатый, состоятельный

affair [ə'feə] дело, affair's дела, вопросы; legal affairs правовые вопросы

to supervise смотреть, наблюдать (на); supervising надзор, наблюдение

to extend распространять; проводить

judiciary [dʒʌ'dʒiəri] судостроительство; суд

to affect влиять (на)

to devote посвящать

to draft составлять план; набрасывать черновик

to redefine изменить определение

overwhelming majority подавляющее большинство

to review обозревать; пересматривать

to provoke провоцировать

THE UK AND CHARACTERISTICS OF ENGLISH LAW

UNIT
6

Section 1: *Grammar* Passive Voice

Section 2: *Texts*

- 1 The UK and government
- 2 Characteristics of English law
- 3 Legal systems of the UK

Section 3: *Newspaper item* Blair mobilising supporters

Section 4: *Speaking English* Bills and acts

Section 5: *Illustrations* Act of Parliament

Section 1 Grammar

Passive Voice (Страдательный залог)

1 Глаголы употребляются в страдательном залоге, если подлежащее обозначает лицо или предмет, совершающееся действие со стороны другого лица или предмета. При этом обычно не указывается, со стороны какого лица или предмета подлежащее подвергается действию.

Глаголам в страдательном залоге употребляются в Indefinite, Continuous и Perfect Tenses.

3 Образование Passive Voice

Indefinite Tense

Laws are prepared by special committees.

This law was adopted in May.

This bill will be discussed next week.

Continuous Tense

A new constitution is being discussed now.

When the delegates entered, Article 34 was being debated.

Perfect Tense

All the amendments have been approved.

They knew the statement had already been made.

Exercise 1 Choose the right forms, read and translate the sentences:

- 1 Supreme power (*was*, *is vested*) in this body.
- 2 They (*will adopt*, *will be adopted*) these resolutions at next sitting.
- 3 A few questions (*have discussed*, *have been discussed*) this month.
- 4 New bodies of state authority (*will create*, *will be created*) in accordance with this amendment to the law.
- 5 This new formation (*has not recognized*, *has not been recognized*) by international organisations.
- 6 I am afraid it (*will contradict*, *will be contradicted*) our practice.
- 7 These norms (*do not envisage*, *are not envisaged*) by law.

Exercise 2 Use the Verbs in the right form:

- 1 In the United States, elections for president (*to hold*) every four years.
- 2 When ... next election (*to hold*)?
- 3 It's a big motory company. A hundred people (*to employ*) here.
- 4 The letter (*to post*) a week ago and it (*to arrive*) yesterday.
- 5 The park gates (*to lock*) at 6.30 p.m. every evening.
- 6 The boat hit a rock and (*to shak*) quickly. Fortunately everybody (*to rescue*).
- 7 When he was on an excursion, his camera (*to steal*) from his hotel room.

Exercise 3 Read and reproduce these mini-dialogues:

- a) — This house looks very old. I wonder when it was built?
— I don't think that anybody knows the answer. Most probably it was built more that fifty years ago.
- b) — A lot of money have been stolen in the robbery.
— Yes, I have heard about this robbery. And have the robbers been arrested?
— No news yet.
- c) — He is a very careful driver. He always remembers that many accidents are caused by careless driving.
— Yes, I know this, but it seems to me he is too cautious. He always drives very slowly.
— I would not agree with you. Aren't many accidents caused by dangerous driving?

Exercise 4 Complete and read the sentences:

- 1 The information ... was obtained from a reliable source.
- 2 The minutes were circulated prior to the meeting ...
- 3 It has been agreed by all present that ...
- 4 It was reported that some members of the committee were dissatisfied with the format of the report ...
- 5 A new system has been proposed whereby each member of the group will take it in turn to chair the meeting ...
- 6 Without coming to an agreement on Point 8 on the agenda, the meeting was adjourned ...
- 7 There have been rumours about a possible bankruptcy of the company, but this has been denied by ...

Exercise 5 Translate into English:

- 1 Предложена новая система голосования.
- 2 Было высказано несколько предложений.
- 3 Где проводило заседание?
- 4 Когда документ будет подписан?
- 5 Своим предложениям уже согласованы.
- 6 Выборы прошли в апреле прошлого года.
- 7 Когда состоится следующее заседание?

Section 2 Texts

The UK and government

The United Kingdom comprises a parliamentary union of England, Wales, Scotland, and Northern Ireland. It is a unitary State, not a federation of States. The United Kingdom is a constitutional monarchy without a written constitution.

The powers of the monarch and most of the functions of the Queen have been limited by convention and statute. They are mostly exercised on the advice of the Prime Minister. Nonetheless, the Queen retains an important formal role within Parliament. Public measures are proposed and enacted in the name of her government, and it is her assent that converts bills passed by both Houses of Parliament into statutes.

The UK Parliament at Westminster comprises two houses – the House of Lords (the upper house) and the House of Commons (the lower house).

The House of Lords is made up of about 1200 peers, peeresses, archbishops and bishops, none of whom is elected. The House of Commons consists of Members of Parliament elected for five years by universal adult suffrage.

The House of Lords scrutinizes bills passed by the House of Commons, and proposes amendments. It provides a means of introducing minor public bills, allows additional opportunities for the debate of private member's bills, bears the burden of debate concerning powers under delegated legislation, and debates private bills. The House is also the supreme civil and criminal court in the United Kingdom.

The composition and procedures of the House of Lords give a different emphasis from that of the Commons. Scrutiny is usually less detailed, but procedures more flexible and the debate less partisan than in the Commons.

The House of Commons is the dominant element within Parliament today. Its 651 Members of Parliament are the basis of British parliamentary system. Finance is central to the Commons' power. The House has the sole right to deliberate issues of taxation, or 'supply' as it is known, without which government would be impossible.

Vocabulary

to retain *сохранять*

assent [*ə'sent*] согласие

peeress *женщина-пэр, лэресс*

archbishop *архиепископ*

bishop *епископ*

suffrage *право голоса, избирательное право*

to scrutinize [*'skru:ɪnaɪz*] тщательно рассматривать; scrutiny *тщательное рассмотрение*

a means [*mi:ns*] средство, способ

opportunity *возможность*

to bear the burden (*бэра, бэри*) нести бремя

composition *состав*

emphasis [*'emfəɪs*] упор, упреждение

flexible гибкий; услужливый

partisan [ˈpɑ:ɪˈzæn] узкопартийный; приверженец, сторонник

sole единственный, монополия

to deliberate обсуждать; совещаться

issue ['ɪʃu:, 'ɪʒu:] вопрос, разногласие, проблема

Exercise 6 Read and translate the following words:

parliamentary

universal

to convert

military

debate

dominant

constitutional

private

detailed

convention

procedure

element

Exercise 7 Match and translate the synonyms:

to comprise

to study

to exercise

to make

to debate

to carry out

to retain

to secure

to emphasise

to keep

to scrutinize

to discuss

to provide

to stress

Exercise 8 Read and translate the words of the same root:

act

power

to convert

active

powerful

convertible

action

powerless

unconvertible

to enact

to empower

conversion

Exercise 9 a. Write the figures:

1 one thousand two hundred _____

2 three thousand five hundred and ten _____

3 six hundred fifty one _____

4 one million three thousand five hundred _____

5 three million twelve thousand _____

b. Write these Numerals in words:

1200 _____ 210 _____ 650 _____

1400 _____ 320 _____ 651 _____

Exercise 10 Use the Verbs in the right forms, read and translate the sentences:

- 1 The power of the Queen (*to finish*) by convention and statute.
- 2 Most of the functions of the Queen (*to finish*) in a similar way.
- 3 The Queen (*to retain*) an important formal role within Parliament.
- 4 Public measures (*to propose*) and (*to enact*) in the name of her government.
- 5 The British Parliament (*to comprise*) two houses.
- 6 The House of Lords (*to make up*) of about 1200 peers, peeresses, archbishops and bishops.
- 7 The House of Commons (*to consist*) of more than 650 Members of Parliament.

Exercise 11 a. Translate into Russian paying attention to the words in *italic*:

- 1 bills *passed* by the House of Lords
- 2 bills *passed* by the Commons
- 3 bills *passed* by both Houses
- 4 Members of Parliament *elected* for five years
- 5 American Senators *elected* for four years
- 6 American Congressmen *elected* for two years
- 7 the Constitution *adopted* that year

b. Translate into English:

- 1 законопроект, принятый обоими палатами
- 2 члены парламента, избранные на всеобщих выборах
- 3 конституция, одобренная парламентом
- 4 депутаты, предположенные в прошлом месяце
- 5 вопросы, обсуждавшиеся на прошлой неделе

Exercise 12 Translate into Russian paying attention to the emphatic construction *It is ... that ...*:

It is her name that converts bills passed by both Houses into statutes.
Только с ее согласия законопроекты, принятые обоими палатами, становятся законами.

It was he who initiated the Bill.

Именно он выступил с инициативой этого законопроекта.

- 1 It is this bill that caused severe disagreement.
- 2 It is the House of Commons that dominates Parliament.
- 3 It is the Speaker who heads the House of Lords.
- 4 It was our guide who said so.
- 5 It was my friend who has bought this book for me.

Exercise 13 a. Answer the following questions:

- 1 What state is the United Kingdom?
- 2 Is the Queen the head of the State?
- 3 What are the limiting factors of the powers of the Queen?
- 4 The UK Parliament consists of two Houses, doesn't it?
- 5 What is the difference between the Houses?
- 6 How big is each of them?

b. Retell the text.

Characteristics of English law

English law is traceable to Anglo-Saxon times. The common law, i.e. judge made law, which forms the basis of English law, has endured for 900 years and has continuously adapted itself to changing social and economic needs.

Old rules of law remain law despite their age, unless expressly repealed.

Thus in the case of *Ashford v. Thornton* (1818), an appeal against alleged murder, the appellant claimed and was granted the ancient Norman right of trial by battle. In point of fact the appellant's opponent refused to fight, and the right was abolished by statute in 1819.

The Treason Act 1351 is still good law and may be invoked today despite its age.

Whereas Continental countries have been subject to continual invasions, revolutions, declarations of independence and the like, the geographical separation of England from the Continent, coupled with the Englishmen's traditional respect for law, have influenced development of English law.

Another characteristic of English law is absence of codification. A legal code is a systematic collection of laws so arranged as to avoid

inconsistency or overlapping. Codification was a feature of Roman law and was adopted by nearly all Continental countries, notably France, Germany, Austria, and Switzerland. The English common law was formed from the custom of the people. Under the Norman kings these unwritten laws achieved a fairly uniform legal system. Only certain parts of English law have today been codified, e.g. Bills of Exchange Act 1882, and the Sale of Goods Act 1979, though the Law Commission is now working towards a codification of criminal law and contract law.

The early Norman judges were important figures appointed by the Crown whose justice they administered. The common law was largely judge-made from the existing customary laws. The records and reports of cases tried by the judges show how judges formed the common law. Although today judges may develop the common law within fairly narrow limits, they are mainly concerned with interpreting and applying statute law which is now the main source of legal development.

Vocabulary

закон *zakon*; *zakoniye* процессуальный

to *codify* [n'fju:] закончить; to *codify* *penal*law закончить уголовное

despite *with* несмотря на что-либо

to *repeal* отменить (закон)

ancient древний, старинный

lawson [n'lon] законы (государственные)

to *involve* [n'vovk] включать, включать; включать (искусство, статью)

to *avoid* *with* избегать чего-либо

bill of exchange чек, вексель

to *try* судить, рассуждать (дело, случай)

Exercise 14 Read and translate the following words:

characteristics

best

to appeal

appellor

opponent

declaration

independence

geography

geographical

to separate

invasion

revolution

separation

continent

confidential

Exercise 15 Match the English and Russian equivalents:

codification	запись, протокол
common law	основной источник
code	кодификация
statutory law	развитие юридической системы
main law	код
records	общее право
main source	обычное право
legal development	статутное право, право закрепленное в законодательных актах

Exercise 16a. Write these years:

- thirteen fifty seven _____
- eighteen oh five _____
- eighteen twenty five _____
- eighteen hundred _____
- two thousand and four _____
- two thousand _____
- two thousand and twenty five _____

b. Read these years:

1350	1818	1882	1979
1351	1819	1900	2008

Exercise 17 Fill in the gaps with the right Prepositions, read and translate the sentences:

- English law is traceable ... Anglo-Saxon times.
- It was an appeal ... alleged murder.
- This right was abolished ... statute in 1819.
- Another characteristic ... English law is absence ... codification.
- Codification was adopted ... nearly all Continental countries.
- Only certain parts ... English law have been codified today.
- Statute law is now the main source ... legal development.

Exercise 18 Write out all the information from the text about the following:

- judge-made law
- codification
- legal development of Continental countries

Legal system of the UK

Much of English law was formed out of the customs of the people. But a great part of the law has been created by legislation, i.e. the passing of laws. Common law and statutory law together comprise what is referred to as the 'Law of England'.

Today in Britain laws are laid down by a sovereign body, namely Parliament. Parliament at Westminster legislates for England, Scotland, and Wales (although, in accordance with recent legislation, Scotland and Wales now have separate parliamentary assemblies which are empowered to legislate with regard to specified internal affairs such as education) and also in respect of some matters (such as defence and coinage) for Northern Ireland.

The United Kingdom does not have a single system of law within the State. There are separate systems operating in England and Wales, Northern Ireland, and Scotland.

Due to the closeness of the association since the twelfth century between England and Wales on the one hand and Northern Ireland on the other, these countries have similar legal systems.

There are, however, differences between the law of Scotland, influenced by Roman law, and that of the remainder of the United Kingdom, although since the Union with Scotland Act 1707, these differences are now less marked on broad issues. Thus Scotland has its own legal system, different in many ways from that of England and Wales, and has been influenced by Roman and Continental law to a far greater extent.

Two important links uniting the systems are as follows:

Parliament at Westminster is the supreme authority throughout the United Kingdom.

The House of Lords is the final court of appeal.

Vocabulary

recent history

with regard to отнюдь не так давно, в отнюдь не так давно

to matter much неважно; it doesn't matter не имеет значения; matter вопрос, дело, предмет

coinage монетная система; денежная мера

due to which [dʒu:] благодаря

on the one hand с одной стороны; on the other hand с другой стороны

the remainder [rɪ'meɪndə] осталась часть

to mark отметить

to a great extent в значительной степени; to a far greater extent гораздо в большей степени

throughout [θru:'aʊt] повсюду; во всех отношениях

link жить, связь; время, день

Exercise 19 Read and translate the following words:

assembly

association

sovereign

separate

difference

authority

final

to influence

parliamentary

continental

treason

alternative

Exercise 20 Match the equivalents:

Le

e.g.

namely

in accordance with

with regard to

due to

however

in many ways

to a great extent

а именно

благодаря

однако

во многом

в большой степени

то есть

например

в соответствии с

что касается

Exercise 21 Choose the right words from this list to complete the sentences, read and translate the sentences:

system, final, single statutory, internal, separate, common, similar

- 1 Common law and ... law comprise Law of England.
- 2 Parliament is the ... authority throughout the United Kingdom.
- 3 The House of Lords is also the ... court of appeal.
- 4 The UK does not have a ... system of law within the State.
- 5 Scotland and Wales now have parliamentary assemblies which are empowered to legislate with regard to some ... affairs.
- 6 England and Wales have ... legal systems.
- 7 The law of Scotland is influenced by ... law.

Exercise 22 Use the right Articles where necessary, read and translate the sentences:

- 1 Much of ... English law was formed out of ... customs of ... people.
- 2 Since ... twelfth century England and Wales have been very close.
- 3 On ... one hand England is associated with Wales, on ... other it is close to Wales.
- 4 ... Union with Scotland Act came into force in 1707.
- 5 ... legal system of Scotland is in many ways different from that of England and Wales.
- 6 To ... great extent ... legal system of Scotland has been influenced by ... Roman and Continental law.
- 7 ... United Kingdom does not have ... single system of law.

Exercise 23 Translate into English:

- 1 английское право _____
- 2 статутное право _____
- 3 принимать законы _____
- 4 парламент принимает законы _____
- 5 действуют отдельные правовые системы _____
- 6 правовая система Шотландии _____
- 7 римское право _____
- 8 английский всеобщий закон _____

Exercise 24 a. Write a plan of the text and retell it accordingly.

b. Reread the three texts and write a report on one of the topics:

Parliamentary union of the UK

Parliament at Westminster

Judge-made law

Law of Scotland

Absence of codification

Law of Northern Ireland

c. Read or present your report to your group-mates.

You may use such words as:

I know this is a very complicated subject but...

Let me quote some words ...

Let me remind you ...

Section 3 Newspaper item

Blair mobilising supporters (*Financial Times*, April 2005)

Tony Blair's hopes of gaining a significant majority in next week's UK general election depend heavily on supporters of his ruling Labour party.

The poll was conducted by MORI between April 21 and 25. It showed Labour with a 10 percentage point lead over the opposition Conservative party. Winning with a 10-point margin would secure a 145-seat majority in the 646-member House of Commons.

MORI found 61 per cent of those polled were 'absolutely certain to vote' – two points above the 2001 election's turnout but well below levels in most European countries.

Throughout the campaign, Labour has been beset by the problem of getting its own supporters out to vote.

MORI's latest figures showed that 80 per cent of people who supported the Conservatives said they were certain to vote but that only 64 per cent of Labour backers would do the same.

Note: MORI = Market and Opinion Research International (Международная исследовательская фирма и общественного мнения (Британская исследовательская организация общественного мнения))

Vocabulary

to support [sə'pɔ:t] поддерживать; поддерживать сторонник

to gain [geɪn] получить; добиться; выигрывать

significant [sɪɡ'nɪfɪkənt] значительный

general election [dʒenərəl ɪ'lekʃən] общие выборы; by-election [baɪ-ɪ'lekʃən] дополнительные выборы
(в случае смерти члена парламента, переноса члена парламента в Палату лордов или сложения им с себя полномочий)

intensity [ɪn'tensɪti] сильно

to be beset [bi'zet] преследовать; быть преследуемым

poll [pɒl] опрос общественного мнения

margin ['mɑ:dʒɪn] разница; край; эд. преимущество

turnout [tɜ:n'au:t] явка

to beset [bi'zet] окружать, осаждать

Exercise 25 Read and translate the following words:

Labour	to mobilise	opposition
Labourist	per cent	certain
Labourists	percentage	lead
Conservative	point	leader
Conservatives	to lead	leadership

Exercise 26 a. Write these dates in figures:

- 1 the twentieth of January _____
- 2 the twenty second of June _____
- 3 the eighteenth of July _____
- 4 the thirtieth of August _____
- 5 the thirty first of December _____

b. Read these dates:

April 21, 2006	September 1 st , 2000	May 9, 1945
February 25, 2007	March 8 th , 2010	June 22, 1941

Exercise 27 a. Read and translate the following:

- 1 60 per cent of those polled
- 2 80 percent of people
- 3 10 per cent
- 4 a 10 per cent point
- 5 a 10 per cent point lead
- 6 a 148-seat majority
- 7 the 646-member House of Commons
- 8 the 2007 election's turnout
- 9 the 2007 election's date

b. Translate into English:

- 1 перевес голосов в 5 процентов
- 2 40 процентов населения поддержали кандидата
- 3 60 процентов проголосовали против
- 4 35 процентов оппозиционных
- 5 партия получила на 150 мест больше
- 6 палата общин, состоящая из 646 членов парламента
- 7 конгресс, состоящий из 400 конгрессменов

Exercise 28 a. Translate into Russian:

- 1 to gain a significant majority in next week's general election

- 2 his hopes depend heavily on supporters of his party
- 3 to conduct a poll
- 4 the poll conducted by MORI
- 5 to win the election with a 10-point margin
- 6 they are certain to vote
- 7 they said they were certain to vote

b. Translate into English:

- 1 Был проведён опрос общественного мнения.
- 2 Опрос показал перевес лейбористов над консерваторами на 10 процентов.
- 3 Это обеспечит большинство в английском парламенте.
- 4 Последний опрос показал те же самые цифры.
- 5 Они заявили, что обязательно придут у власти в выборах.

Exercise 29 a. Answer the following questions:

- 1 About what general elections did the newspaper write?
- 2 How many days before the election was this item published?
- 3 What were the hopes of Tony Blair?
- 4 What poll was conducted?
- 5 Was the forecast optimistic for the Labour party?
- 6 Did Tony Blair win in fact?
- 7 What majority, if any, do the Labourists have in the House of Commons now?

b. Retell the newspaper item.

Section 4 Speaking English

Bills and acts

At a lesson at Davies' School of English

Ann: Excuse me, I am afraid I do not understand the difference between the words 'act' and 'bill'. Could you explain it in simple words? To my mind, they are sometimes used interchangeably. Am I right?

Teacher: Oh, many students have asked me this question. A bill is any proposed legislation before Parliament. Once a bill has completed its passage through both Houses of

Parliament and received royal assent, it becomes law and is called an act.

Ann: Is it correct to say that a bill approved by the Queen is an act?

Teacher: That's true. But officially they are called Acts of Parliament. In the USA acts are called Acts of Congress. In other words acts are made by legislative bodies. And at the same time, you were right to say that sometimes these words are used interchangeably. Traditionally, or historically, some acts are called bills. For example, Bill of Rights.

Peter: But does the word 'act' have any other meanings?

Kate: Yes, I remember consulting a dictionary to see what the meanings of this word are. It can also mean something done, and also a division of a play.

Teacher: Oh, yes. Most words of the English language have more than one meaning.

Vocabulary

interchangeable [ˌɪntəˈtʃeɪnəbəl] взаимозаменимый

passage произношение; проезд

Exercise 30 a. Read the following words paying attention to the sound [w]:

- 1 between the words 'act' and 'bill'
- 2 in simple words
- 3 in other words
- 4 you were right to say that
- 5 these words are sometimes interchangeable

b. Read these sentences paying attention to the intonation:

- 1 Excuse \ me, | I am afraid I don't understand the \ difference.
- 2 To my / mind, | they are sometimes used inter \ changeably.
- 3 Am I / right?
- 4 Is it correct to say / so?
- 5 Does it have any other / meaning?

Exercise 31 a. Complete the talk:

- Excuse me, I am afraid ... Could you, please, ... To my mind, ...
- Oh, many students ... A bill is any proposed ... Once a bill ...
is called an act.
- Is it correct ... is an act?
- That's true. But officially ... In the USA ... In other words ... And
at the same time we were right to say ...
- But does ... other meaning?
- Yes, I remember consulting... division of a play.
- Oh, yes. Most words ...

b. Reproduce the talk.

c. Write out the sentences, expressions and words which characterise informal talk.

Section 5 Illustrations

Criminal Evidence Act 1970 Chapter 16

An Act to amend paragraph (f) of the proviso to section 1 of the Criminal Evidence Act 1968 and corresponding enactments extending to Scotland and Northern Ireland.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. — (1) In paragraph (f) of the proviso to each of the following enactments, that is to say, section 1 of the Criminal Evidence Act 1968, sections 141 and 346 of the Criminal Procedure (Scotland) Act 1975 and section 1 of the Criminal Evidence Act (Northern Ireland) 1925 (under which an accused person who has given evidence against another person charged with

the same offence may be cross-examined about his previous convictions and his bad character), for the words 'with the same offence' there shall be substituted the words 'in the same proceedings'.

(2) Notwithstanding subsection (1) above, a person charged with any offence who, before the coming into force of this Act, has given evidence against any other person charged in the same proceedings shall not by reason of that fact be asked or required to answer any question which he could not have been asked and required to answer but for that subsection.

2. — (1) This Act may be cited as the Criminal Evidence Act 1972.

(2) This Act shall come into force at the end of the period of one month beginning with the date on which it is passed.

Vocabulary

previous оговорка (часть статьи закона или договора, начинающаяся со слов *provided*)

enactment законодательный, нормативный акт, норма права

Majesty величество (мн.ч.), *His Majesty* со величество

Lord spiritual «духовная лорд» (26 архиепископов и епископов в Палате лордов)

Lord temporal светские члены Палаты лордов

to charge one with обвинять кого-либо в

to cross-examine подвергнуть перекрестному вопросу

bad character дурная репутация

to substitute [ʔʌbsɪtju:t] заменять

notwithstanding несмотря на, вопреки

to cite цитировать, ссылаться на, указывать на начало закона

Exercise 32 a. Answer the following questions:

- 1 How many enactments were amended by this Act?
- 2 What words were substituted?
- 3 What transitional provision was made?
- 4 When did the Act come into force?
- 5 What is the short title of the Act?

b. Translate into English:

- 1 то есть
- 2 обобщенный
- 3 давать свидетельские показания против
- 4 объяснять по тому же самому делу
- 5 может подвергнуться перекрестному допросу ...
- 6 на том же самом процессе
- 7 до вступления данного закона в силу

c. Translate the text into Russian.

d. Translate into English:

Английская правовая система имеет богатую и содержательную историю своего развития, в ходе которого выделяются самостоятельные, весьма большие правовые семьи, получившие название — системы общего права. В настоящее время эти семьи включают правовые системы всех, за некоторым исключением, англоязычных стран. Система общего права была создана в Англии после нормандского завоевания, впоследствии она в значительной мере оказала влияние на становление и развитие правовых систем стран, которые политически были связаны с Англией. Общее право Англии оказало решающее воздействие на развитие правовой системы США, которая в настоящее время во многом отличается от правовой системы современной Англии, но исходит вместе с ней в семью общего права.

Общее право оказало большое влияние на формирование современных правовых систем Индии, Пакистана, ряда стран Африки. Следует заметить, что английское общее право не является правом Великобритании, оно применяется на территории Англии и Уэльса, в Шотландии, Северной Ирландии, островах Лейк-Манчестер и остров Мен не подчиняются английскому праву.

- Section 1: *Grammar* Present Participle
Absolute Participle Construction
- Section 2: *Texts*
1 The European Union and its institutions
2 European Union legislation
3 European Union law in the UK
- Section 3: *Newspaper item* EU draft patent law
- Section 4: *Speaking English* Patents and licences
- Section 5: *Annotation of the book* Taxation in the EU
- Section 6: *Word game*

Section 1 Grammar

Present Participle (Причастие настоящего времени)

1 Present Participle соответствует русскому причастию настоящего времени, отвечающему на вопрос *что делаящий?*, *чем делаящий?*, *как делаящий?*, *где делаящий?*. Present Participle имеет окончание *-ing*.

2 Present Participle в основном употребляется в письменной речи и выполняет в предложении следующие функции:

(1) определение

There were numerous questions arising from this discussion.

(2) обстоятельство времени

Congress was unanimous passing this law.

(3) обстоятельство призыва

Being interested in the new rules, the administrative bodies tried to popularise them immediately.

(4) обстоятельство образа действия и сопутствующая обстоятельство

They study Public Law paying most attention to Administrative Law and European Union Law.

3 Present Participle употребляется в составе главного дополнения после глаголов *to see, to hear*.

We saw the journalists leaving the building.
I have never heard him speaking English.

4 Present Participle употребляется в составе самостоятельного причастного оборота (Absolute Participial Construction) with *somebody/something doing ...* Самостоятельный причастный оборот состоит из существительного и причастия настоящего времени. Перед существительным может стоять предлог *with*, который обычно не переводится на русский язык.

Такой оборот может стоять в начале или конце предложения. Переводится такой оборот самостоятельным предложением, причастным предложением или просто как причастие.

The law was approved in 1989, with an essential amendment being prepared the next year.

Закон был принят в 1989 г., причем в следующем году была подготовлена очень существенная поправка.

Самостоятельный причастный оборот употребляется в официальных документах.

5 Present Participle используется также для образования Continuous Tenses.

Exercise 1 a. Read and translate the following word combinations:

- | | |
|---------------------------|--------------------------------|
| 1 the resulting account | 6 the enactments extending to |
| 2 conveyancing law | Scotland and Northern |
| 3 existing law | Ireland |
| 4 comprising elements | 7 the amendments changing |
| 5 the ruling Labour party | the structure of the Committee |

b. Read and translate the following sentences:

- 1 There are several degrees depending on the level of specialisation.
- 2 There are separate systems operating in these four parts of the UK.
- 3 The judicial power is vested in the Supreme Court consisting of nine justices.
- 4 He made a few mistakes speaking about the procedure.
- 5 Procedural Law lays down the rules governing the manner in which a right is enforced under civil law.
- 6 People are by nature social animals desiring the companionship of others.
- 7 It provided recommendation to courts showing them how to fulfill their responsibilities in such cases.

Exercise 2 a. Write a few similar sentences:

- 1 I saw my group-mates walking along the street.
- 2 I could hear it raining.
- 3 Listen! Can you hear a baby crying?

b. Complete these sentences:

- 1 The missing children were last seen playing near ...
- 2 She looked out of the window and saw Nick riding his bike along ...
- 3 Jim hurt his knee playing football with...
- 4 A man ran out of the house shouting ...
- 5 Be careful when crossing the road...
- 6 He made a few notes reading ...
- 7 She consulted many dictionaries while preparing ...

Exercise 3 Read and translate the sentences:

- 1 The Committee approved the first resolution, the other resolutions being adjourned for next week.
- 2 With population rapidly increasing, the new law was of utmost importance.
- 3 Their steps were severely criticized, with allegations being made by their opposers.
- 4 They could not sign the agreement with some important papers missing.
- 5 He finished to talk with the audience still waiting for his explanation.

Section 2 Texts

The European Union and its institutions

The European Union replaced the former European Community and had originally fifteen member states, namely France, Germany, Italy, Belgium, the Netherlands, Luxembourg, the United Kingdom, Denmark, the Republic of Ireland, Greece, Spain, Portugal, Austria, Sweden, and Finland. A few other European countries have joined the European Union since then, a few others are pending their membership.

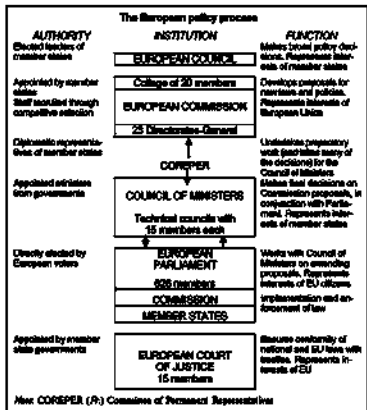
The institutions of the European Union have the power to take binding decisions and consist of elected representatives. The institutions are as follows:

- The European Parliament (called the 'Assembly' in the founding treaties)
- The European Council
- The Council of the European Union (Council of Ministers)

- The Commission of the European Communities (European Commission)
- The Court of Justice of the European Communities
- The Court of First Instance and
- The Court of Auditors.

The Secretariat of the Parliament is based in Luxembourg, while plenary sessions take place in Strasbourg, with most Committee meetings taking place in Brussels.

Here is the table showing the six institutions of the European Union, their authority and functions:



Vocabulary

to replace *заместить*; *возместить*

former *бывший*

to join *соединяться* *соединиться* к кому/чему-либо

binding *обязательный*, *обязательный* *решение*

to bind *обязывать*; *binding* *обязательный*

institution ['ɪnstɪtʃən] *принят*; *установление*; of first *первой* *институции*

ambassador ['æmbeɪsədɔː] *посол*

proposal *предложение*

competitive *конкурентоспособный*

to undertake ['ʌndəteɪk] (*undertake*, *undertaken*) *предпринимать*, *брать на себя обязательства*

in conjunction with *вместе с*

to implement ['ɒmplɪmənt] *выполнять*, *осуществлять*; *implementation* *исполнение*, *осуществление*

Exercise 4 Read the following words paying attention to the stress:

'Europe

'Portugal

The 'Netherlands

'Euro'pean

'Austria

'Luxembourg

'Germany

'Sweden

,repre'sentative

,sec'retariat

'Finland

,implemen'tation

'Italy

'Denmark

,unanim'ous

Exercise 5 Read and translate the sentences:

- 1 The institutions have the power to take binding decisions.
- 2 In founding treaties the European Parliament is called the Assembly.
- 3 Here is the table showing the six institutions.
- 4 Plenary sessions take place in Strasbourg with most Committee meetings taking place in Brussels.
- 5 The Secretariat is based in Luxembourg, with plenary sessions taking place in Strasbourg.

Exercise 6 Translate into English:

- 1 В 1992 г. Европейское Сообщество было преобразовано в Европейский Союз (ЕС).
- 2 Некоторые страны ожидают решения об их вступлении в ЕС.

- 3 В состав Европейского Совета входят главы государств и правительства стран-членов ЕС.
- 4 В состав Европейской Комиссии входит 20 членов, назначаемых странами-участниками.
- 5 Состав избирается на конкурсной основе.
- 6 Европейский Совет представляет интересы стран-участников.
- 7 Они берут на себя подготовительную работу.

Exercise 7 Answer the following questions:

- 1 What countries originally made the European Union (EU)?
- 2 How has the composition changed since then?
- 3 How many institutions are there in the make-up of the EU?
- 4 Which is the biggest institution of the EU?
- 5 Is it possible to say which seems most important?
- 6 In what way do the functions of each differentiate?
- 7 What institution represents interests of EU citizens?

Exercise 8 Make a presentation of the table *'The European policy process'*.

The following may be of help:

First I would like to draw your attention to ...

It is a rather illustrative table.

concise / sparse

explicit / small, individual

European Union legislation

The Treaty on European Union was signed on 7 February 1992 (the 'Maastricht Treaty' or the TEU).

There are two main sources of Community law. The first are the treaties (primary source law) and the second are laws created under the authority of the treaties by the Community institutions (secondary source law).

There are three founding treaties:

- European Coal and Steel Community Treaty 1951
- European Atomic Energy Community Treaty 1957
- European Economic Community Treaty signed in Rome in 1957.

The EEC Treaty or Treaty of Rome (now the European Treaty) is the most legally relevant of the three founding treaties.

The Maastricht Treaty amended the previous three Treaties of the European Community and created the European Union, replacing the former European Community. The TEU established common policies in the member states in relation to foreign and security policy, justice and home affairs.

Secondary legislation comprises the bulk of European Union law and includes regulations, directives, decisions, recommendations, and opinions of the Council of the European Union and the European Commission. The secondary legislation of the Union is published officially in the Official Journal.

One of the recent amending legislation is the European Communities (Amendment) Act 2006 which was ratified and came into effect in May, 2006.

The basic aims of the legislation were to improve processes, increase effectiveness and bring the EU closer to the ordinary citizen. Among the changes incorporated in the legislation were a new numbering of the EC Treaty, authority to create legislation aimed at prohibiting discrimination and, in preparation for enlargement of the EU, the European Parliament to be capped at 700 MEPs and the Commission at 20.

Note: MEP = Member of European Parliament

Vocabulary

primary ['praɪməri] основной, главный

secondary вторичный, вспомогательный

relevant относящийся к делу

bulk масса, большое количество

regulation ['regjʊləʃn] предписание, правило, устав

opinion мнение

to aim at something стремиться к чему-либо, aim zero

to improve улучшить, совершенствовать

enlargement [ɪn'lɑ:dʒmənt] укрупнение

to cap покрывать; перекрывать

Exercise 9 Read and translate the following words:

coal	legislation	economy
seed	regulations	economic
energy	recommendations	discrimination
journal	preparation	publication

Exercise 10 Read and translate the words, state what parts of speech they are:

Noun (n) существительное
Verb (v) глагол
Adjective (adj) прилагательное
Adverb (adv) наречие

large	to sign	decision
enlarge	sign	decide
enlargement	signature	decisive
largely	signatory	decided
authority	create	effect
authorize	creation	effective
authorization	creative	effectiveness

Exercise 11 a. Read and translate the sentences paying attention to the construction *there is*

- 1 There are two main sources of Community law.
- 2 There are three founding treaties.
- 3 There are six institutions within the framework of the EU.
- 4 There were a few issues they wanted to discuss.
- 5 There will be a few people who will speak on the matter.

b. Translate into English:

- 1 Существует несколько законов, регулирующих деятельность этих институтов.
- 2 По этому вопросу есть несколько мнений.
- 3 В этом законе более 200 статей.
- 4 К докладчику было много вопросов.
- 5 В докладе будет несколько примеров.

Exercise 12 Read and translate the sentences paying attention to the Present Participles:

- 1 This Treaty created the European Union replacing the former European Community.
- 2 The most recent amending legislation is the Act, which came into effect in May, 2006.
- 3 Secondary legislation comprising the bulk of European Union law includes numerous regulations, directives, decisions, etc.
- 4 He spoke about the legislation bringing the EU closer to the ordinary EU citizen.
- 5 This is a law prohibiting discrimination.

Exercise 13 Translate into English:

- 1 основные источники права _____
- 2 вспомогательные источники _____
- 3 три основополагающих договора _____
- 4 создать общие принципы _____
- 5 координация и законодательный процесс _____
- 6 подготовка к расширению ЕС _____
- 7 члены Европейского парламента _____

Exercise 14 a. Answer the following questions:

- 1 What EU treaty is the basic one and when was it signed?
- 2 What are the two sources of European Union law?
- 3 What types of documents does the secondary legislation of the EU comprise?
- 4 What are the basic aims of the EU legislation?
- 5 What changes have been incorporated in the EU legislation?

b. Retell the text.

European Union law in the UK

1st January, 1973 is the date of Britain's entry into the European Economic Community (European Communities Act 1972). The Act achieved the result of incorporating the laws of the European Communities into the domestic law of the United Kingdom. The Act has since been amended to reflect the current legal status of the European Union.

The European Communities Act 1972 added a new source of law, namely the law of the European treaties (e.g. the Treaty of Rome 1957) and of the secondary legislation made by the community institutions (e.g. the EU Council, the Commission and the Parliament). This law constitutes a new legal order standing alongside both the statute and common law and, in the event of conflict, takes precedence over them.

The courts and law enforcement agencies are to apply Union law as part of domestic law, unless there is an intentional and express repudiation of Union law in the United Kingdom legislation. In practice, only provisions of Union law with direct effect have force equal to a statute.

There is some debate as to the status of Union law in relation to later statutes enacted by the Parliament of the United Kingdom.

The principle of direct effect is that individuals can rely on European Union law in actions before national courts. It was first raised in the case of *Van Gend & Nederlands Administratie der Belastingen* (case 26/62). This was known as a 'vertical' direct effect between an individual and a state. The notion of 'horizontal' effect occurs where a treaty obligation is raised between individual and individual.

Vocabulary

current [ˈkʌrɪnt] текущий, современный

alongside рядом с

in the event of a crisis (чрезвычайно)

precedence приоритет; преимущество

express [ɪksˈpres] открытый, явно выраженный

repudiation отрицание; отказ признавать

to rely on зависеть от

to raise поднять

to incur [ɪˈɪnː] вcurring

obligation [ˌɒblɪˈɡeɪʃn] обязательство

Exercise 15 a. Match and translate the antonyms:

entry
domestic

new

vertical

secondary

primary

exit

foreign

old

horizontal

b. Fill in the blanks with the right words, read and translate the sentences:

effect, order, source, obligation, law

- 1 The Act of 1972 achieved the result of incorporating the EU ... into the domestic laws of the UK.
- 2 The European Communities Act added a new ... of law.
- 3 This law constitutes a new legal ...
- 4 The principle of direct ... is that individuals can rely on EU law in actions before national courts.
- 5 The action of 'horizontal' effect occurs where a treaty ... is raised between individual and individual.

Exercise 16 Use the Verbs in the right forms, read and translate the sentences

- 1 The Act of 1972 ... *since (to amend)* to reflect the current legal status of the European Union.
- 2 This law *(to constitute)* a new legal order standing.
- 3 In the event of conflict this law *(to take)* precedence over the statute and common law.
- 4 The courts and law enforcement agencies *(to be)* to apply Union law as part of domestic law.
- 5 EU law *(to apply)* unless there *(to be)* an intentional or express repudiation of Union law in the UK legislation.
- 6 There *(to be)* some debate as to the status of Union law.
- 7 This principle *(to know)* as a 'vertical' direct effect between an individual and a state.

Exercise 17 Translate into English:

- 1 вступились страны в Европейский Союз _____
- 2 достигать существенных результатов _____
- 3 включать законы Европейского Союза _____
- 4 основываться на законах ЕС _____
- 5 современный законодательный статус _____
- 6 устанавливать новый законодательный порядок _____
- 7 отказ от применения того или иного закона _____
- 8 а именно _____

Exercise 18 a. Write a plan of the text.

b. Retell the text in accordance with the plan.

c. Write an essay 'European Union law' and present it for your group-mates.

The following words may be of help:

I would like to stress that ...

Let me remind you that ...

It is quite normal that ...

Section 3 Newspaper item

EU draft patent law

(Financial Times, December 2008)

Controversial European Union proposals setting out a new patent regime for the software industry cleared an important hurdle yesterday, when EU industry ministers broke a 10-month stalemate and voted in favour of the draft law.

Their decision sets the scene for a fierce battle with the European Parliament, which is deeply sceptical of the law but which must back the proposal before it can take effect.

The legislation has already caused a deep rift within the high-tech industry: while large companies such as Nokia, Philips and Siemens are strongly in favour, smaller companies and individual software developers are opposed. In its present form, the law – often described as the software patents directive – would allow companies to register a patent for software that makes a 'technical contribution' and would concentrate patents in the hands of big corporations.

Member states had informally agreed to support the law last May, but Poland repeatedly refused to honour that deal, delaying formal adoption by 10 months.

While yesterday's vote breaks the deadlock among EU member states, the battle over the directive is certain to go on. It now requires approval by the European parliament, which last month demonstrated its hostility to the proposal by calling for the legislative process to begin afresh.

Vocabulary

controversial [ˌkɒntɹəˈvɜːʃl] противоречивый

to clear the hurdle снять барьер

stalemate застой, тупик, тупик

in favour of [ˈfɜːvə] за, в пользу

draft law законопроект; *syn.* **draft legislation**

fierce острый, сильный

rift раскол, расхождение

to hammer [ˈɒnə] отбить

deal сделка, соглашение; *эд.* документ; *то deal* откладывать, задерживать; *делу* отсрочка, задержка

deadlock тупик

vestibly [ˈvɛstɪb(ə)l] вероподобность, вероподобный акт; *vestibly* вероподобный

Exercise 18 Read and translate the following words:

patent

technical

scene

regime

sceptical

battle

software

proposal

to develop

industry

company

developer

Exercise 20 Match and translate the antonyms:

hostile

gentle

hostility

informal

fierce

disapproval

large

hardware

format

against

approval

small

software

friendly

in favour of

friendliness

Exercise 21 Use the correct Articles, read and translate the sentences:

- 1 The proposals set out ... new patent regime for ... software industry.
- 2 The ministers voted in favour of ... draft law.
- 3 ... European parliament is deeply skeptical of ... law.

- 4 The law has already caused ... deep rift within ... high-tech industry.
- 5 Patents would concentrate in ... hands of big corporations.
- 6 Last May member states had informally agreed to support ... law.
- 7 It required approval by ... European parliament.

Exercise 22 a. Write out principal clauses from the text, e.g.:

- 1 Controversial European Union proposals cleared an important hurdle yesterday.
- 2 Their decision sets the scene for a fierce battle with the European parliament.

b. Translate the sentences into Russian.

c. Write out the sentences where Present Participles are used and translate the sentences.

Exercise 23 Translate into English:

- 1 противоречащие предложения _____
- 2 создать новую интеллектуальную систему _____
- 3 проголосовать за законопроект _____
- 4 относиться к данному закону очень скептически _____
- 5 поддержать предложения _____
- 6 вступить в силу _____
- 7 вызвать разногласия _____

Exercise 24 a. Answer the following questions:

- 1 Had the draft patent law been approved when this information was published?
- 2 What industry did it concern?
- 3 Who backed it?
- 4 Who opposed it?
- 5 What was the stand-point of Poland?
- 6 What broke the deadlock?
- 7 What was the attitude of the European Union?

b. Sum up this newspaper item.

Section 4 Speaking English

Patents and licences

During a coffee break at David's School of English

- Mike:** By the way, have you ever seen any patent?
Nick: No, it's not my cup of tea. Frankly, I am not interested. But I certainly know that patents are issued to protect inventions.
Mike: And I wonder who issues patents here, in Britain.
Kate: As far as I know, it's Patent Office, a government department. And there must be a patent law.
Mike: You seem to know everything. Miss Know All!
Kate: I wish I knew more. But in fact I don't know many things.
Mike: You are a very modest girl. And do you know what a licence is?
Kate: No idea.
Nick: But I can tell you that it's a written statement, which gives permission from an authority to do something.
Ann: I know there are driving licences, licences to practice as a doctor. But I don't know anything about the regulations and the bodies who issue licences.
Kate: Neither do I. Oh, our break is over.

Vocabulary

by the way **ещё одним словом**
it's not my cup of tea **это не моё дело**
frankly **откровенно говоря**
invention **[in'venʃn] изобретение**
I wonder... **Интересно, ...**
as far as I know **насколько я знаю**
in fact **фактически**
modest **[ˈmɒdɪst] скромный**
to permit **разрешить**; permission **разрешение**
driving licence **водительское право**
neither do I **зд. и я тоже не знаю**

Exercise 25 a. Read the words paying attention to the sound [t]:

patent	a government department
it's not	in fact
cup of tea	I can tell you
not interested	a written statement
to protect	a doctor

b. Read the sentences paying attention to the intonation:

- 1 Have you ever seen any / patent?
- 2 Do you know what a license / is?
- 3 Who issues patents \ here?
- 4 Who issues patents \ here, I /a \ Britain?
- 5 I wonder who issues patents \ here, / in \ Britain.

Exercise 26 a. Read the sentences paying attention to the direct word order in the object clauses:

- 1 Do you know what a license is?
- 2 Do you know where the Patent Office is?
- 3 I don't know where it is.
- 4 I remember what he told me yesterday.
- 5 I understand what he is saying.
- 6 I wonder when he will come.
- 7 I wonder what he will do.

b. Translate into English:

- 1 Вы не знаете, как мой словарь?
- 2 Вы не знаете, когда будет следующий семинар?
- 3 Я не помню, что она сказала.
- 4 Я точно знаю, что у него есть发明专利权 права.
- 5 Она понимает, что он хочет получить патент.

Exercise 27 a. Read and translate the sentences paying attention to the verb *to seem*:

- | | |
|------------------------------------|------------------------------------|
| 1 You seem to know everything. | 4 He seems to think so. |
| 2 He seems to understand the text. | 5 There seems to be no objections. |
| 3 She seems to believe his words. | |

b. Translate into English:

- | | |
|--------------------------------------|--------------------------------|
| 1 Кажется, он все знает. | 4 Кажется, она меня понимает. |
| 2 Кажется, нет никаких вопросов. | 5 Он кажется очень счастливым. |
| 3 Кажется, здесь много-много ошибок. | 6 Кажется, что это было вчера. |

Exercise 28 a. Read these statements and responses:

- | | |
|------------------------------|-------------------------------------|
| — I like this talk. | — I don't like this text. |
| — So do I. | — Neither do I. |
| — I haven't read this book. | — I shall write the essay tomorrow. |
| — Neither have I. | — So shall I. |
| — I shan't do this exercise. | |
| — Neither shall I. | |

b. Translate into English:

- Я этого не знаю. _____
- И я тоже. _____
- Я не был в Англии. _____
- И я тоже. _____
- Я обязательно прочту эту книгу. _____
- И я тоже. _____

Exercise 29 a. Complete and reproduce the talk:

- By the way, have you ...?
- No, it's not my ... Frankly, ... But I certainly know ... to protect intentions.
- And I wonder who ...
- As far as I know ... And there must be ...
- You seem ...

- I wish I knew more. But in fact ...
- You are a very ... And do you ...?
- No idea.
- But I can tell you ...
- I know there are ...but I don't know anything ...
- Neither ... Oh, ... over.

b. Write out the sentences and expressions which characterise informal talk.

Section 5 Annotation of the book

Taxation in the EU

(Annotation of the book of 352 pp written by David Buck, Senior Fellow, Centre for Law Studies, University of London)

In recent years the increasing European mobility of capital, firms and consumers has begun to constrain tax policies in most European countries, playing a major role in reforming national tax systems.

Buck uses the theory of international taxation to consider the fundamental forces underlying this process, covering both factor and commodity flows, as well as their interaction.

Topics include a variety of different international tax avoidance strategies – capital flight, profit shifting in multinational firms, and cross-border shopping by consumers.

Situations in which tax competition creates conflicting interests between countries are given particular consideration.

Buck addresses the complex issue of coordination in different areas of tax policy, with special emphasis on regional tax harmonization in the European Union.

Also included is a detailed introduction to recent theoretical literature.

Vocabulary

constraint [kən'streɪnt] *ограничение*
to constrain *ограничивать; сдерживать*

zashch [ʃɐʃkɪ] комиссар, агент, посредник; *zashch* tak nazyv na
posrednicheskoe otnosheni

to *osnovno* лежать в основе

raznoobrazie [vɔ'pno:] разнообразие

zashch koshchennye; англизирование

to *zashch* перемешать

so *zashch* [kon'tsɪ] конкурентность; *konpetitsia* [konpɪ'tʃɪ] конку-
ренция

Exercise 30 a. Translate into English:

- 1 за последние годы _____
- 2 экстраординарные модальности _____
- 3 менять оборот налогов _____
- 4 играть главную роль _____
- 5 реформирование системы налогообложения _____
- 6 статьи, лежащие в основе процесса _____
- 7 координация различных вопросов
налогообложения _____

b. Write out and translate the sentences where Present Participles are used.

c. Write out and translate the sentence where the Absolute Participle Construction is used.

d. Translate the annotation into Russian.

e. Write an annotation of one of the books on the European Union you have read recently. (It may be a book in Russian.)

Section 6 Word game

a. Translate the following words into English (the last three letters of the English terms are written for you):

- | | | |
|----|----------|-------------------------|
| 1 |DGE | — судья |
| 2 |ING | — обязательство |
| 3 |EDY | — средство защиты права |
| 4 |JON | — залучивание |
| 5 |UTE | — законодательный акт |
| 6 |ANT | — ответчик |
| 7 |ENT | — незаконный |
| 8 |ASE | — судебное дело |
| 9 |IAL | — суд |
| 10 |ENT | — торговое заключение |
| 11 |NCE | — указ, декрет |
| 12 |ION | — налог |

b. Write and translate the English term, formed by the first letters of the above English terms.

HUMAN RIGHTS

UNIT 8

Section 1: *Grammar* Past Participle

Section 2: *Texts*

1 Human rights

2 The European human rights system

Section 3: *Speaking English* Human Rights Watch

Section 4: *Newspaper item* Sarkozy supports giving immigrants a vote in city polls

Section 5: *Annotations of the books*

1 International Human Rights in Context: Law, Politics, Morals

2 European Human Rights Law Review

Section 6: *Illustrations* The Tyrer case

Section 1 Grammar

Past Participle (Причастие прошедшего времени)

1 Past Participle соответствует русскому причастию настоящего или прошедшего времени страдательного залога -*имей* или -*имев* и отвечает на вопрос *каков?* Past Participle — 3-я форма глагола.

Past Participle в основном употребляется в письменной речи и является от в предложении функцию определения.

2 Если причастие не имеет зависимых от него слов, оно обычно ставится перед существительным:

The presented documents were not sufficient.

Представленных документов было недостаточно.

В официальной письменной речи причастие, не имеющее зависимых от него слов, может ставиться после существительного:

The resolution agreed was sent to the Committee on October 10, 2007.

Принятая резолюция была направлена в Комитет 10 октября 2006 г.

3 Если причастие употребляется с зависимым от него сказуемым, то оно ставится после существительного:

the documents presented to the lawyers
документы, представленные юристам

the software patented in Britain last year
программное обеспечение, запатентованное
в Великобритании в прошлом году

4 Past Participle также употребляется в составе сложного дополнения после сказуемых to want, to wish, to like, to love:

The judge wanted the documents presented immediately.
Судья хотел, чтобы документы были представлены немедленно.

They had a copy of the patent made.
Им сделали копию этого патента.

5 Past Participle используется для образования Perfect Tenses и Passive Voice:

They have signed all the documents.
The patent was issued last week.

Exercise 1 a. Read and translate the following:

- 1 the papers divided into five groups
- 2 the subjects selected from this list
- 3 the Academy founded more than 70 years ago
- 4 the major subjects taught
- 5 the actions forbidden under pain of punishment
- 6 a crime prosecuted under the criminal law
- 7 the judges appointed

b. Translate into English:

- 1 приятный запах _____
- 2 предметы, которые преподают в этом университете _____
- 3 темы, выбранные студентами _____
- 4 собрание, отложенное до следующего вторника _____
- 5 решение, одобренное большинством _____
- 6 достигнутые результаты _____
- 7 статья, переведенная этим студентом _____

Exercise 2 a. Read and translate the following sentences:

- 1 It depends on the view taken.
- 2 Law may be defined as a rule of human conduct, imposed on and enforced among, the members of a given state.
- 3 They called for a constitutional law controlled centrally by the Supreme Court.
- 4 The geographical separation of England from the Continent, coupled with the Englishman's traditional respect for law, have influenced development of English law.
- 5 The early Norman judges were important figures appointed by the Crown.

b. Translate into English:

- 1 Они встретились с новым судьей, назначенным только вчера.
- 2 Депутат сослался на законодательный порядок, принятый в этой стране.
- 3 Депутат говорил о законопроекте, подготовленном этим комитетом.
- 4 Результаты голосования, опубликованные в этой газете, отличаются от официальных результатов.
- 5 Отчет, подготовленный этим институтом, вызвал много вопросов.

Exercise 3 Match two parts of the sentences and translate the sentences:

- | | |
|--|---|
| 1 The records and report of cases ... | • of those polled show how judges formed the common law |
| 2 There are differences between the law of Scotland, ..., and that of the remainder of the UK. | • charged with the same offence |
| 3 The agency found 61 per cent ... were absolutely certain to vote. | • created under the authority of the treaties |
| 4 The person ... may be cross-examined. | • influenced by Roman law |
| 5 That was the law ... | • tried by the judges |

Exercise 4 Complete the sentences in your own way:

- 1 They listened to the person charged with ...
- 2 Those were the changes incorporated in the legislation of ...

- 3 They spoke about the legislation made by the Communities institutions, such as ...
- 4 There is some debate as to the status of Union law in relation to later statutes enacted by the Parliament ...
- 5 They meant the national tax system reformed ...

Section 2 Texts

Human rights

Human rights are rights to which people are entitled by virtue of being human. Human rights are 'universal' in the sense that they belong to all humans rather than to members of any particular state, race, religion, gender or other group. They are also 'fundamental', unlike civil rights, they do not depend on the freedoms and status accorded to citizens in particular societies.

Supporters of the doctrine of human rights portray them as universally applicable moral principles. Opponents, on the other hand, argue that it is nonsense to suggest that individuals have rights that are separate from the traditions, cultures and societies to which they belong.

The relationship between law and morality is one of the problems in science. On the surface, law and morality are very different things. Law is a distinctive form of social control, backed up by means of enforcement; it defines what can and what cannot be done.

Morality, on the other hand, is concerned with ethical questions and the difference between 'right' and 'wrong'; it prescribes what should and what should not be done. Moreover, while law has an objective character, in that it is a social fact, morality is usually treated as a subjective entity: that is, as a matter of opinion or personal judgement. Nevertheless, natural law theories that date back to Plato and Aristotle suggest that law is, or should be, rooted in a moral system of some kind.

In the early modern period, such theories were often based on the idea of God-given 'natural rights'. This assertion of a link between law and morality became fashionable again as the twentieth century progressed, and it was usually associated with the ideas of civil liberties or human rights.

Vocabulary

to be entitled [tə'taɪtld] иметь право
by virtue of [saɪtə] в силу чего-либо, на основании чего-либо
gender ['dʒendə] пол
to ascend [ə'skænd] восходить
on the surface ['sɜ:fɪs] внешне, на поверхности
distinctive [dɪ'stɪŋktɪv] отличный, заметный
to prescribe [prɪ'skrɪb] прописывать
whatever [wə'tevə] более того
to treat somebody as относиться к кому/чему-либо как
entity ['entɪti] личность, существо, организация; юридическое лицо
nevertheless [nevəðə'les] тем не менее
to suggest [sə'dʒest] предлагать; предполагать
to feel [fɪl] касаться морем, водиться(ся); основываться
assertion [ə'sɜ:tʃən] утверждение, заявление, высказание

Exercise 5 Read and translate the words:

right	fundamental	morality
system	fashionable	control
society	individual	theory
opponent	ethical	period
culture	character	doctrine

Exercise 6 Read and translate the words, state what Parts of Speech they are:

human	to apply	moral
humanity	applied	morality
humanism	applicable	morally
humanistic	application	moralize
tradition	separate	object
traditional	to separate	to object
traditionalism	separation	objective
traditionally	separatist	objection

Exercise 7 Match the English and Russian equivalents:

define	иметь право
belong	подтверждать
base	приводить

progress
associate
support
on-site

отражать
развиваться
основывать
ассоциировать

Exercise 8 Translate into English:

- 1 естественные и гражданские права человека _____
- 2 они принадлежат всем людям _____
- 3 в отличие от юридических прав _____
- 4 гражданские свободы _____
- 5 с одной стороны, с другой стороны _____
- 6 мораль определяет, что можно делать
и чего нельзя делать _____
- 7 это связано с вопросом этики _____

Exercise 9 Read and translate the sentences, write out the Past Participles:

- 1 They do not depend on the freedoms and status accorded to citizens in particular societies.
- 2 Law is a distinctive form of social control, backed up by means of enforcement.
- 3 This is the law rooted in a social system.
- 4 This theory based on his works is very fashionable again.
- 5 He spoke about moral principles associated with human rights.

Exercise 10 a. Answer the following questions:

- 1 In what way are human rights different from civil rights?
- 2 What do supporters and opponents of the doctrine of human rights say?
- 3 What is the relationship between law and morality?
- 4 In what connection are the names of Plato and Aristotle mentioned in the text?
- 5 About what link does the last paragraph of the text speak?

b. Retell the text.

The European human rights system

On May 5th, 1949 in a desire to shield themselves from the Nazi horrors of the past, Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom signed the Treaty of London that established the Council of Europe. Currently the Council of Europe has 45 member states. The Council of Europe is an institution independent of the European Union and it has functions different from those of the Union.

In 1950, the Council of Europe inspired by the United Nations Universal Declaration of Human Rights of 1948 drew up the European Convention for the Protection of Human Rights and Fundamental Freedoms. The European Convention was created to protect many essential rights such as the right to life, freedom from torture and slavery, freedom of thought, conscience and religion, the right to marry and found a family, freedom of peaceful assembly and association, and the right to a fair trial.

Later, the Convention created the European Commission of Human Rights to investigate complaints of breaches of the Convention and where possible to reach a friendly settlement.

In 1959 the European Convention established the European Court of Human Rights. The Court was set up in Strasbourg.

Only states which are parties to the Convention and the European Commission of Human Rights have the right to bring a case before the Court. Some states have incorporated the Convention into domestic law, but Britain has not. So that it is not directly enforceable as British law. However, British cases have led to some changes in the UK domestic law.

Vocabulary

desire [dɪ'zʌɪə] желание, просьба, запрос

to shield защищать; прикрывать

lawyer ['lɔ:ɪ] юрист

to inspire внушать, вдохновлять, впечатлять

torture ['tɔ:tʃə] пытка

slavery рабство

to investigate расследовать; изучать

complaint [kəm'pleɪnt] жалоба, претензия

settlement урегулирование

party to the Convention сторона, подписавшая Конвенцию

Exercise 11 Read and translate the words:

institution

declaration

association

investigation

independence

currently

essentially

enforceable

peaceable

possible

universal

incorporated

fair

domestic

settlement

Exercise 12 Match and translate the synonyms:

to shield

to desire

to establish

to investigate

to lead to

to study

to protect

to wish

to result in

to found

Exercise 13 Read and translate these word combinations of nouns:

the UK law

законничество в Великобритании

market data

рыночные участники

1 the United Nations Declaration

2 the United Nations Universal Declaration

3 natural law theories

4 most Committee meetings

5 Community law

6 the EU law

7 law enforcement agency

8 commodity taxes

9 tax avoidance

10 capital flight

11 party members

Exercise 14 Translate into English:

1 указы прошлого _____

2 независимый от Европейского Союза _____

3 создать Европейскую Конвенцию _____

4 защитить основные права _____

5 свобода совести и вероисповедания _____

6 свобода собраний _____

7 рассматривать случаи нарушения Конвенции _____

8 достигнуть мирного урегулирования _____

9. перекладіть текст в Європейській суді _____
10. привнеси к изменениям в законодательство _____

Exercise 15 a. Answer the following questions:

1. When was the Council of Europe formed?
2. Who were the founders of the Council?
3. When was the European Convention of Human Rights drawn up?
4. What rights did the Convention protect?
5. What Commission and Court did the Convention form?
6. What influence did the Convention have on domestic law of the member states?
7. Who has the right to bring cases before the Court of Human Rights?

b. Write a plan of the text.

c. Retell the text in accordance with your plan.

Section 3 Speaking English

Human Rights Watch

At a seminar at Davies's School of English

Teacher: By the way, do you know anything about Human Rights Watch?

Peter: If I am not mistaken, it is a non-government organization with its headquarters in New York.

Alex: Not long ago, I listened to the interview of the head of this organization. I don't remember his name. But I remember that he has a law degree from Stanford University.

Alic: I know that they work throughout the world, in more than seventy countries. They mostly work in crisis zones where human rights are violated. They try to influence governments to change practices that abuse human rights.

Teacher: And they regularly publish reports on their site in the Internet. They report in real time from the spot and try to prevent human right crises from going out of control. Their work is of great importance, to my mind. They have been doing this job for about ten years.

Vocabulary

to watch *наблюдать* за кем/чем-либо

headquarters ['hedkwɔ:təz] штаб-квартира

throughout the world по всему миру

mainly в основном

crisis ['kraɪsɪs] кризис; pl. crises ['kraɪsɪs] кризисы

to violate ['viəleɪt] нарушать

to influence *влиять* на кого/что-либо

to abuse оскорблять; злоупотреблять

from the spot о месте обитания

Exercise 16 a. Read the following paying attention to the sounds [θ] and [ʃ]:

by the way

anything

the interview

something

the head

nothing

this organization

through

with its headquarters

throughout

b. Read the sentences paying attention to the intonation:

- 1 By the way, do you know / anything about it?
- 2 If I am not mistaken, it's a non-government organi[^]zation.
- 3 Not long ago, I listened to the interview of the head of the organi[^]zation.
- 4 They mostly work in crisis zones where human rights are \violated.
- 5 They try to influence governments to change practices that abuse human \rights.

Exercise 17 a. Read the sentences, paying attention to this Tense and translate the sentences:

Present Perfect Continuous употребляется для описания действий, которые начались в прошлом и продолжаются еще и сейчас:

They have been doing this job for about ten years.
Они выполняют эту работу около десяти лет.

- 1 They have been doing this work since 1996.
- 2 I have been studying English since 2005.
- 3 He has been studying Greek for five years.
- 4 How long have you been reading this book?
- 5 How long have they been talking?

b. Translate into English:

- 1 По-моему, они изучают эту проблему уже несколько лет.
- 2 Депутаты обсуждают этот законопроект уже несколько месяцев.
- 3 Если я не ошибаюсь, он собирает материалы для своего доклада уже две недели.
- 4 Между прочим, сколько семестров вы изучаете историю права?
- 5 Как долго он работает на этой фирме?

Exercise 18 a. Write and read a few sentences using the following:

- | | |
|---|---------------------------|
| 1 to listen to smb | 4 to belong to smb |
| 2 to influence smb | 5 to depend on smb |
| 3 to prevent smb from doing smth | 6 from the spot |

b. Translate into English using the verb *to prevent*:

- 1 Они помешали ему говорить.
- 2 Это не дало им возможности прийти к соглашению.
- 3 Эти меры не позволили нарушить Конвенцию.
- 4 Предпринятые властями меры не дали ситуации выйти из-под контроля.
- 5 Никто не помешал ему выступить на конференции.
- 6 Он предотвратил совершение преступления.

Exercise 19 a. Complete and reproduce the talk:

- By the way, ... Human Rights Watch?
- If I am not mistaken, ... headquarters in ...
- Not long ago I ... head of ... I don't remember ... But I remember ... degree ...
- I know ... throughout ... They mostly work in crisis zones ... violated. They try to influence ...

- And they regularly publish ... They report ... from the spot and try ...
- Their work is ... They have been ...

b. Write out all the words and expression characteristic of informal talk.

Section 4 Newspaper item

Sarkozy supports giving immigrants a vote in city polls (*Financial Times*, December 2005)

Nicolas Sarkozy, France's interior minister and head of the ruling UMP party, made a controversial call for long-term foreign residents to have the right to vote in municipal elections.

Despite the French attachment to the idea of citizenship, a survey published yesterday in the weekly journal *Journal du Dimanche* shows that almost two-thirds of those polled favoured giving immigrants the right to vote after 10 years in France. Moreover, 61 per cent of the 959 people questioned by IFOP, the pollster, said they believed giving immigrants this right to vote in city elections would help to integrate these communities into French society.

The survey comes as calm began to return yesterday to the Parisian suburb of Clichy-sous-Bois, a high-rise neighbourhood largely occupied by African immigrants. Rioting broke out over the weekend after two black teenagers, thinking they were being chased by police, were electrocuted when they hid in an electricity substation.

Official statistics put the national jobless rate at about 9.8 per cent, but the rate among immigrants and their children is far higher.

Mr Sarkozy, an advocate of positive discrimination as well as a strict quota system for immigrants, sparked controversy last week when he suggested he would be in favour of giving immigrants the right to vote in city polls. Some of his closest supporters in the UMP have criticised his proposal, arguing that any right to vote should be given only to those who choose to take full French citizenship.

Note: UMP — Union Majoritaire Parteilienne Mouvement pour la République

IFOP — Institut Français d'Opinion Publique; Федеральный институт общественного мнения

Vocabulary

interior minister (Fr.) министр внутренних дел
 attachment приверженность
 survey [sə'vei] обзор, обследование; отчёт об обследовании
 to favour благоприятствовать; поддерживать
 calm [kælm] спокойно
 suburb пригород
 neighbourhood район, округ, окрестность
 riot [raɪt] нарушение общественного порядка, беспорядок, бунт, разгул; pl. riots массовые беспорядки
 to elect присягать
 to elect someone candidate на всенародном уровне
 jobless rate уровень безработицы
 to fight бороться
 to attack бороться, побороться

Exercise 20 Read and translate these words:

controversial	polls	urge
municipal	journal	suggest
despite	immigrant	citizenship
integrate	teenager	discrimination
elect	controversy	proposal

Exercise 21 Match and translate the synonyms:

polls	polling agency
affection	elections
survey	love
pollster	review
calm	unemployed
neighbourhood	peace
riot	district
jobless	supporter
advocate	disorder

Exercise 22 a. Answer the following questions:

- 1 Who is Mr Sarkozy?
- 2 What was his proposal concerning the rights of African immigrants in France?
- 3 Did the party support him?

- 4 How had the police treated the African immigrants?
- 5 What was unemployment rate among immigrants?

b. Sum up the newspaper item.

c. Write an essay on one of the topics:

- 1 Are the rights of African immigrants in France violated?
- 2 Is Human Rights Watch an effective organization?
- 3 Human rights institutions in Europe
- 4 What human right seems most important to you?

d. Reproduce your essay as a report for your group-mates.

At the end of the report try to use some expressions like these:

In conclusion I can say that ...

I hope my report was of interest to you and ...

I thank you for your attention and ...

I appreciated your attention and ...

You are a very good audience and...

Section 5 Annotations of the books

International Human Rights in Context: Law, Politics, Morals
*(Annotation of the book written by Harry Steiner, senior lecturer in law
 and Professor in the College at the University of Chicago)*

This is a useful starting point for any researcher of the European human rights systems because it is a systems within the current international and regional context both at the governmental and non-governmental level.

Part of the 10th chapter on regional human rights arrangements is dedicated to the European Convention and the following human rights: the right to social welfare services, the right to equal opportunity and equal treatment in employment without discrimination, the right of workers to take part in determining and improving their working conditions, the right of the elderly to social protection.

European Human Rights Law Review
(Annotation written by David Strauss, Professor of Law at the University
of Chicago Law School)

This journal views itself as a forum for serious debate on the European Convention on Human Rights. The authors published are UN functionaries, and UK barristers and judges. On the editorial board two representatives of the European academy and non-governmental organizations, UK practitioners, lawyers of the European and UK judiciary. Aside from featured articles, the journal also contains summary of the cases of the European Court of Human Rights, under the rubric 'Cases and Comment'.

Vocabulary

to dedicate *smith* to ['dɒdʒən] посвящать что-либо (чему-либо)

social welfare system социальный обеспечение

testament ['tɛstəmənt] отношение

the elderly люди пожилого возраста

testimony 'свидетельств

editorial издательский, редакционный

board [bɔ:d] совет, управление

aside from помимо

featured article ['fi:təd] основная статья

Exercise 23 a. Answer the following questions:

- 1 What system did the first book describe?
- 2 In what connection was the European Convention mentioned?
- 3 On what rights did the author concentrate?
- 4 What journal did David Strauss review?
- 5 Who were the authors of the articles in the journal reviewed?
- 6 What practical material did the journal contain?
- 7 Which annotation was more interesting to you?

b. Translate the following into English:

- 1 отправка точки _____
- 2 право на социальное обеспечение _____
- 3 реализация возможностей _____
- 4 участвовать в охоте и улучшении условий труда _____
- 5 социальная защита пожилых людей _____

c. Translate the annotations into Russian.

Section 6 Illustrations

The Tyrer case

A few years ago four boys of 15 years of age, citizens of the United Kingdom and residents of Isle of Man, faced a trial at the local juvenile court. They pleaded guilty to unlawful assault occasioning actual bodily harm to a senior pupil at the school. The assault was motivated by the fact that the victim had reported the boys for taking beer into the school. The four boys were sentenced on the same day to three strokes of the birch in accordance with the relevant legislation.

Antony Tyrer, one of the four boys, appealed against the sentence to the High Court of Justice of the Isle of Man. The appeal was heard and dismissed.

Then Mr Tyrer appealed to the European Commission of Human Rights. The applicant claimed before the Commission that the facts of his case constituted a breach of Article 3 of the Convention which provides: 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment.'

In its report, the Commission expressed the opinion, that judicial corporal punishment, being degrading, constitutes a breach of Article 3 and that, consequently, its infliction on the applicant was in violation of the provision. And the Commission referred the matter to the European Court of Human Rights.

Here is an extract from the court decision:

EUROPEAN COURT OF HUMAN RIGHTS JUDGEMENT

The European Court of Human Rights sitting, in accordance with Article 43 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as 'the Convention') and Rule 21 of the Rules of the Court, as a Chamber composed of the following judges:

Mr G. Bellodere *Presided President*,

Mr J. Casanova,

Mrs H. Pedersen,

Mr Thor Vilhjalmsson,

Mr P.H. Tölgen,

Mr F. Matscher,

And Mr H. Petzold, *Deputy Registrar*,

Having deliberated in private from 17 to 19 January and on 14 and 15 March ..., delivers the following judgement, which was adopted on the last-mentioned date:

Procedure

1 The Tyrer case was referred to the Court by the European Commission of Human Rights. The case originated in an application against the United Kingdom of Great Britain and Northern Ireland lodged with the Commission on 21 September ... under Article 25 of the Convention by a United Kingdom citizen, Mr Antony Tyrer...

General background

13 The Isle of Man is not a part of the United Kingdom. It has some links with the UK but mainly governs itself.

14 Judicial corporal punishment of adults and juvenile was abolished in England, Wales and Scotland in 1948 and in Northern Ireland in 1968.

15 The punishment remained in existence in the Isle of Man...

For these reasons, the Court

1 decides unanimously not to strike the case out of its list;

2 holds by six votes to one that the judicial corporal punishment inflicted on Mr Tyrer amounted to degrading punishment within the meaning of Article 3;

3 holds unanimously that in the present case there are no local requirements within the meaning of Article 63&2 which could affect the application of Articles 3;

4 holds by six votes to one that the said punishment accordingly violated Article 3. ...

Note: the Isle of Man corporal punishment

Vocabulary

- juvenile court** ['dʒu:vənəl] суд по делам несовершеннолетних
to plead guilty [plɪd] признать себя виновным; **plead not guilty** сделать заявление в суде о своей невиновности
assault [ə'sɔ:lt] 1) нападение; 2) словесное оскорбление, угроза физическим насилием
to assist [ə'sɪst] служить переводом, давать повод. помогать, assisting
victim ['vɪktɪm] жертва
to sentence sb to приговорить кого-либо к; **sentence** приговор
to dismiss 1) отклонить (иск), отклонять (в иск); 2) прекращать (дело)
serious punishment телесное наказание
conviction ['kɒnvɪkʃən] осуждение
inflict наносить, причинять, наносить
to deliver the judgment выносить решение
to lodge an appeal подавать апелляцию
convincingly [kən'vɪŋŋlɪ] убедительно

Exercise 24 Translate into English:

- 1 предстать перед судом по делам несовершеннолетних _____
- 2 он признал себя виновным _____
- 3 неслучайное нападение, вызвавшее телесное повреждение _____
- 4 нападение было спровоцировано тем, что _____
- 5 он сообщил о том, что ребята принесли в школу пиво _____
- 6 их приговорили к трем годам лишения свободы _____
- 7 подать апелляцию против решения суда _____

Exercise 25 Complete the sentences with the right words from this list, read and translate the sentences:

constituted, dismissed, referred, subjected

- 1 After the High Court of Justice of the Isle of Man heard and ... the appeal, Mr Tyler appealed to the European Commission of Human Rights.

- 2 The applicant claimed that the local court decision ... a breach of Article 3 of the Convention.
- 3 The Article said that no one could be ... to degrading treatment.
- 4 The Commission agreed that judicial corporal punishment was degrading and ... a breach of Article 3.
- 5 The Commission ... the matter to the European Court of Human Rights.

Exercise 26 a. Answer the following questions:

- 1 How many judges, as a Chamber, considered the appeal in the European Court?
- 2 How long did they hear the case?
- 3 Was corporal punishment legal in the Isle of Man according to the General background?
- 4 What was the judgement of the Court?
- 5 Was it unanimous?

b. Translate the extract of the judgement into Russian.

THE JUDICIARIES, LAW OFFICERS AND LEGAL PROFESSION

UNIT
9

- Section 1: *Grammar* The Gerund
Section 2: *Texts*
1 The Lord Chancellor and judges
2 Law officers
3 Solicitors
4 Barristers
Section 3: *Speaking* English Notaries and lawyers
Section 4: *Annotation of the book* City lawyers
Section 5: *Newspaper item* Supreme Court nominee
Section 6: *Word game*

Section 1 Grammar

The Gerund (Герундий)

Герундий — это название инфинитива формы, обозначающей свойством как существительного, так и глагола. Герундий имеет окончание -ing и по внешней форме совпадает с причастием настоящего времени. В русском языке соответствующая грамматическая форма отсутствует. Герундий может переводиться на русский язык существительным, глаголом в личной форме, деепричастием, инфинитивом. В предложениях герундий выполняет следующие функции:

(1) подлежащего

Reading journals helped her to get necessary information.

Чтение журналов помогло ей собрать необходимую информацию.

(2) второй части составного сказуемого

Her responsibility was sampling the catalogue.

Ее обязанностью было составление каталога.

(3) части составного глагольного сказуемого после глаголов to want, to begin, to continue, to finish, to like, to prefer, to avoid и др.

He started writing the article last week.

Он начал писать статью на прошлой неделе.

(4) предложения после соответствующих слов: *method, means, idea* и др.:

They discussed his way of participating in the conference.

Он обсуждал, каким образом он будет участвовать в конференции.

(5) дополнения после глаголов *to think, to admit, to object, to insist* и др.

He insisted the audience for coming to the lecture.

Он побуждал слушателей за то, что они придут на лекцию.

(6) обстоятельства времени, образа действия, причины, отсутствующих обстоятельств

After presenting the tables he asked the students a few questions.

Он задал студентам несколько вопросов, после того
как представил таблицы.

He demonstrated some facilities by giving some more examples.

Он продемонстрировал дружелюбие, давая несколько примеров.

Exercise 1 a. Read and translate the following word combinations:

- 1 writing essays
- 2 interpreting state constitutions
- 3 lodging complaints
- 4 his way of preparing for the discussion
- 5 their manner of investigating crimes
- 6 many methods of settling this problem
- 7 no means of communicating with the company

b. Translate into English:

- 1 решение вопроса _____
- 2 рассмотрение темы _____
- 3 обсуждение результатов _____
- 4 способы защиты обвиняемого _____
- 5 средства сбора информации _____
- 6 пути устранения ошибок _____
- 7 способы оказания внимания
на избирателей _____

Exercise 2 Read and translate these sentences:

- 1 He spoke about the usual means of introducing bills.
- 2 The Act achieved the result of incorporating the EU law into the domestic law of the UK.

- 3 The region wanted to stop contributing to the national budget.
- 4 The politicians devoted a few years to drafting new statutes.
- 5 They were accused of distributing illegally copied tracks.
- 6 It was an important test for protecting the sale and distribution of copyrighted music.
- 7 In civil cases a legal action is usually started by issuing a claim form.

Exercise 3 a. Write a few similar sentences:

- 1 She likes reading books in the original.
- 2 He disliked being interrupted.
- 3 They were interested in seeing the scene of the crime with their own eyes.
- 4 They started violating the rules some time ago.
- 5 He began reading the report of the Commission the day before yesterday.
- 6 I am afraid the authorities will continue limiting the rights of the immigrants.
- 7 They stopped issuing this journal last year.

b. Translate into English:

- 1 Когда они начали издавать этот журнал?
- 2 Почему он начал говорить на эту тему?
- 3 Она продолжает изучать английское право?
- 4 Кажется, они не любят обсуждать подобные вопросы.
- 5 Наш университет заинтересован в установлении связей с университетом этого штата.

Exercise 4 Complete the following sentences in your own way:

- 1 He wanted to avoid speaking ...
- 2 We are mainly concerned with interpreting ...
- 3 The Commission insisted on his applying state law ...
- 4 Winning the coming election would be of great importance for ...
- 5 The delegates are disappointed by the problem of getting more votes ...
- 6 The legislation was aimed at prohibiting discrimination in ...
- 7 The consumers played a major role in reforming ...

Section 2 Texts

The Lord Chancellor and high-rank judges

The Lord Chancellor of Great Britain is appointed by the Queen on the advice of the Prime Minister. This position combines duties which are legislative, executive and judicial; it is therefore an exception to the constitutional doctrine of the 'Separation of Powers'.

In his legislative capacity Lord Chancellor presides over the House of Lords, may take part in its debates and can vote in all of its divisions. In this executive capacity the Lord Chancellor is a member of the Cabinet, its chief legal and constitutional adviser. And in a judicial capacity the Lord Chancellor is head of the judiciary and presides over the House of Lords sitting as a court of appeal. He is head of the Chancery Division of the High Court. He advises the Queen on the appointment of puisne judges of the High Court, circuit judges and recorders. Magistrates and chairman of certain administrative tribunals are also appointed by the Lord Chancellor.

The following judges are appointed by the Queen on the advice of the Prime Minister:

The Lord Chief Justice
The Master of the Rolls
The President of the Family Division
The Lords of Appeal in Ordinary
Lords Justice of Appeal.

Vocabulary

advise [əd'vaɪz] совет, консультирование (пожелать)

to combine соединять

duty ['dʌtɪ] долг, обязанность

exception [ɪk'seɪʃən] исключение

sitting [sɪtɪŋ] заседание

judge ['dʒʌdʒ] магистр или судья, судья (судья)

create ['kreɪt] создавать, создавать; воздвигать судебная система;

барометры

recorder [rɪ'kɔːdə] регистратор, архивариус

magistrate ['mædʒɪstreɪt] судья, мировой судья, судья полицейского суда

Master of the Rolls 'мэстер роулз': Глава государственного аппарата, член Высокого суда, председатель Апелляционного суда

Exercise 5 Read and translate these words:

legislative	to preside	doctrine
executive	debates	separation
judicial	Cabinet	tribunal
judiciary	Chancery	appeal

Exercise 6 Match the English and Russian equivalents:

Lord Chancellor	председатель Апелляционного суда
Lord Chief Justice	судья
Lord of Appeal in Ordinary	лорд-главный судья
Lord Justice of Appeal	председатель отделения по семейным делам
Master of the Rolls	лорд-судья
President of the Family Division of the High Court	лорд-канцлер

Exercise 7 Translate into English:

- 1 Лорд-канцлер является членом кабинета министров, шефом Палаты лордов, председателем Верховного суда.
- 2 Лорд-главный судья является председателем отделения королевской скамьи Высокого суда правосудия.
- 3 Лорд Питер Атонсон выступил вчера в палате лордов.
- 4 Это заседание вел лорд-судья Элиза Смитсон.
- 5 Кто сейчас председатель Апелляционного суда?

Exercise 8 Fill in the blanks with the right Prepositions, read and translate the sentences:

on, by, over, to, in

- 1 The Lord Chancellor is appointed ... the Queen ... the advice of the Prime Minister.
- 2 It is an exception ... the constitutional doctrine 'Separation of Powers'.
- 3 That's an exception ... the rule.

- 4 The Lord Chancellor presides ... the House of Lords.
- 5 Lord Chancellor may take part ... the debates.
- 6 ... his executive capacity he is a member of the Cabinet.
- 7 He advises the Queen ... the appointment of palace judges of the High Court.
- 8 Magistrates and chairmen of some tribunals are appointed ... the Lord Chancellor.

Exercise 9 a. Answer the following questions:

- 1 Is the Lord Chancellor elected or appointed?
- 2 Why is his position called an exception to the constitutional doctrine?
- 3 What are the duties of the Lord Chancellor?
- 4 What high-rank judges does the Queen appoint?
- 5 On whose advice does the Queen make these appointments?

b. Sum up the information of the text.

Law officers

The Attorney General is a member of the House of Commons and his or her duties comprise the following:

- (a) Represents the Crown in the courts in civil matters where the public interest is concerned, and may prosecute in important and difficult cases in the criminal courts.
- (b) Advises the Cabinet and Government departments on important legal matters.
- (c) Certain criminal offences must be reported to the Attorney General and his or her consent is necessary before criminal proceedings may be taken in certain cases, e.g. bribery, incest, corrupt practices and offences against the Official Secrets Act 1911 to 1989, The Misuse of Drugs Act 1971 and various other Acts. He or she is head of the English Bar.

The Solicitor General is deputy to the Attorney General and his or her duties are similar.

Masters of the Supreme Court are salaried officials, lawyers of at least ten years' standing, attached either to the Queen's Bench Division or to the Chancery Division of the High Court.

The Director of Public Prosecution is responsible for all criminal proceedings on behalf of the police (other than minor criminal offences).

The Attorney General is appointed by the Prime Minister, and the other law officers are appointed by Attorney General from among solicitors or barristers.

Vocabulary

attorney [ə'tɔ:ni] прокурор; Attorney General генеральный прокурор
to represent представлять
civil ['sivl] гражданский
publicly государственный; общественный
to concern [kən'sɜ:n] касаться, затрагивать
to prosecute ['prosi:kju:t] обвинять, преследовать в судебном порядке
swimsuit swimsuit
proceeding(s) нок, рассмотрение дела в суде
indefinite indefinite
invest ['invest] кровомашение
misuse неправомерное использование
various разнообразный
bar адвокатура, коллегия адвокатов
solicitor [sə'lɪsɪtə] консультант, студиант; юрист-консультант
deputy заместитель
judge судебный распорядитель
to attach to прилагать к
either... or... ['əbeɪ] или ... или ...
neither ... nor ... ни ... ни ...
bench скамья

Exercise 10 a. Match and translate the synonyms:

duty	hearing
consent	responsibility
salaried	agreement
matter	experience
proceeding	paid
standing	issue

6. Match and translate the antonyms:

various	major
civil	private
minor	similar
public	criminal
important	easy
difficult	trivial

Exercise 11 Fill in the blanks with the right words chosen from this list, read and translate the sentences:

cases, matters, crown, Bar, proceedings

- 1 The Attorney General represents the ... in the courts in civil matters where the public interest is concerned.
- 2 The Attorney General may prosecute in important ... in the criminal courts.
- 3 He also advises the Government departments on important legal ...
- 4 His consent is necessary before criminal ... are taken in certain cases.
- 5 He is also head of the English ...

Exercise 12 Use the right Articles where necessary, read and translate the sentences:

- 1 ... Solicitor General is deputy to ... Attorney General.
- 2 Members of ... Supreme Court are ... salaried officials.
- 3 They must be of at least ... ten years' experience.
- 4 They are attached to ... Queen's Bench Division.
- 5 Or they may be attached to ... Chancery Division of ... High Court.
- 6 The Director of Public Prosecution acts on behalf of ... police.
- 7 The Attorney General is appointed by ... Prime Minister.

Exercise 13 Translate into English:

- 1 гражданские дела _____
- 2 представлять государство _____
- 3 сообщить генеральному прокурору _____
- 4 служение уголовному делу _____
- 5 английская адвокатура _____
- 6 заместитель генерального прокурора _____

- 7 Судья или распорядитель руководит предварительным производством и подготовкой дела к слушанию _____

Exercise 14 Sum up all the information about:

- 1 the Attorney General
- 2 the Solicitor General
- 3 masters of the Supreme Court
- 4 the Director of Public Prosecution

Solicitors

There are two branches of the legal profession in Britain: solicitors and barristers.

The solicitor is a person who has either completed a law degree, or, if a non-law graduate, has completed the Common Professional Examination, and undertakes a one year Legal Practice Course followed by two terms as a trainee solicitor. Then the person may be admitted a solicitor by having his or her name enrolled. Enrolled solicitors thereby become officers of the Supreme Court, and each receives a Certificate to Practice which is renewable annually. Solicitors are permitted to advertise, on certain terms, properties for sale and to form partnerships with foreign firms.

Most solicitors are employed in private practice, others are employed in the public service, industry, and commerce.

Practising solicitors are consulted by, and receive instructions from, lay clients on a wide variety of matters both civil and criminal, e.g. the making of wills, administration of estates, family matters, the formation of companies, drawing up of documents, criminal offences of all kinds. In cases of unusual difficulty the solicitor takes instructions from the client, prepares a brief and approaches a barrister (counsel) to give an 'opinion' or represent the client at the trial.

The relationship between solicitor and client is based on professional confidence, and a solicitor cannot be compelled to disclose in court communications made in a professional relationship.

Vocabulary

to train учить, готовить; trainee стажер, практикант; trainer инструктор

to admit допускать; to admit a fact признавать факт

to admit [əd'mit] значить

trainee таким образом, тем самым

to practise практиковать; practice практика

compulsible [kəm'pʌbl] обязательный

annual ежегодный; annually ежегодно

to advertise рекламировать; advertisement реклама

property [prəpərti] имущество

partnership товарищество, компания

public service государственная служба

will завещание; to will кому-либо наследство

estate [ɪ'steɪt] имение, поместье

brief [brɪf] краткое письменное изложение о привлеченном факте и документах, с которыми сторона выступает в суде

to appear before обратиться к кому-либо

counsel ['kaʊnsəl] адвокат; юристконсульт; группа адвокатов (в каком-либо деле, процессе)

relationship отношение, взаимоотношение

confidence ['kɒnfɪdəns] доверие

to compel заставлять, принуждать

to disclose [dɪs'klɔːs] раскрывать

Exercise 15 Read and translate these groups of words:

to train

trainer

trainee

training

to examine

examination

exam

examiner

examinee

to relate

relation

relationship

relative

now

to renew

renewable

news

newspaper

to complete

completion

complete

completely

to admit

admission

admissible

admissibility

Exercise 16 Choose the right form, read and translate the sentences:

1 He (*is completed, has completed*) a law degree.

- 2 This man (*completed, completes*) the Common Professional Examination, undertook a one year special course and had two terms as a trainee solicitor.
- 3 They (*admitted, were admitted*) solicitors by (*have, having*) their names enrolled.
- 4 She also (*had, having*) her name enrolled.
- 5 (*Enrolling, enrolled*) solicitors become officers of the Supreme Court.
- 6 (*Enrolling, enrolled*) solicitors receive Certificates of Practice which (*is, are*) renewable annually.
- 7 Solicitors (*permit, are permitted*) to advocate properties for sale.

Exercise 17 Use the words in the singular or plural, read and translate the sentences:

- 1 Solicitors are also permitted to form (*partnership*) with foreign (*firms*).
- 2 Most (*solicitor*) are employed in private practice.
- 3 (*Other*) are employed in the public service, (*industry*) and commerce.
- 4 Practising (*solicitor*) are often consulted by lay clients on a wide variety of (*matters*).
- 5 They are consulted on the making of (*will*), family (*matters*), on the drawing up of documents and many other (*matters*).
- 6 Sometimes the (*solicitor*) prepares a (*brief*) and approaches a (*barrister*) to represent the client at the (*trial*).
- 7 The relationship between solicitor and client is based on professional (*confidence*).

Exercise 18 Translate into English:

- 1 получить степень в области права _____
- 2 стать членом Верховного суда _____
- 3 иметь частную практику _____
- 4 консультироваться клиентами по определенному кругу вопросов _____
- 5 составление завещаний _____
- 6 управление имуществом _____
- 7 образование компаний _____

Exercise 19 Answer the following questions:

- 1 What are the education requirements for a solicitor?
- 2 When does a solicitor receive a Certificate to Practise?
- 3 How often is the Certificate to be renewed?
- 4 Are all solicitors employed in private practice?
- 5 On what matters do practising solicitors give consultations to lay clients?
- 6 What is the basis of the relations between solicitor and client?
- 7 Are the fees solicitors receive very high, as far as you know?

Barristers

Anyone wishing to become a barrister must join one of the four Inns of Court: Gray's Inn, Lincoln's Inn, Inner Temple, or Middle Temple. These four Inns of Court are incorporated bodies of medieval origin, owned and controlled by their senior members called the Masters of the Bench.

The Senate of the Inns of Court and the Bar, formed in 1974, can be regarded as the governing body of the Bar today.

Intending barristers must make a certain number of attendances (known as 'keeping term') at their Inn, and to qualify for Call to the Bar they must either be a law graduate or, if a non-law graduate, have completed the Common Professional Examination. This is followed by a year's Professional Training course before undertaking one year's pupillage in chambers. After six months barristers have the right of audience in any court of law in England and Wales.

A barrister is essentially an advocate whose task is to present his or her client's case effectively in court. Their work includes the drafting of opinions on difficult points of law, the setting of pleadings and advice on evidence and procedural matters.

The differences between the two branches of the profession may be summarized as follows:

- (a) Barristers are advocates; solicitors are not necessarily so.
- (b) Barristers have the right of audience in all courts; solicitors have only a limited right.
- (c) Barristers specialize in certain branches of the law; solicitors tend to be general practitioners.

- (d) Barristers deal with legal matters; solicitors may be consulted about many non-legal matters, e.g. family, business or financial matters.
- (e) Barristers are instructed by solicitors, who are instructed by the lay client.
- (f) Barristers cannot sue for their fees; solicitors can.
- (g) Barristers may not be liable for negligence in the conduct of a case; solicitors may.
- (h) Barristers are controlled by their Inns of Court and the recently established Senate, non-statutory bodies; solicitors are controlled under the Solicitors Acts 1939—1974.

Vocabulary

Им школа подготовки барристеров

Temple Inner Внутренний Тампл (одна из четырех английских школ подготовки барристеров)

inherent организационный

senior ('sɜːnɪə) старший

master of the bench судебный распорядитель

to attend посещать; attendance [ə'tendəns] посещение

to qualify отвечать требованиям

Call to the Bar призывание имени барристера

apprentice обучению

task задача, задание

to plead [pleɪd] заявлять (в суде), отвечать на обвинения; pleadings
судебные бумаги; заявления оспонимательских заяв

to sue [sjuː] преследовать по суду, предъявлять иск

to be liable [laɪəbəl] нести ответственность, быть обязанным

Exercise 20 Write what parts of speech (Present Participle, Past Participle, or Gerund) the words in *italics* are. Read and translate these word combinations:

- 1 anyone *wishing* to become a barrister
- 2 these *inns* are *incorporated* bodies
- 3 they are bodies *owned* and *controlled* by their senior members called the *Masters of the Bench*

- 4 the Senate of the Inns of Court and the Bar, *formed* in 1974 ...
- 5 governing body
- 6 *breeding* barristers
- 7 before *undertaking* one year's pupillage in chambers

Exercise 21 Read and translate the following word combinations paying attention to the verbal nouns:

Verbal Nouns (отглагольные существительные) имеют окончание -ing, употребляются с артиклем; их отглагольным соответствием служат глагол of и соответствующее:

the reading of books

чтение книг

- | | |
|------------------------------|------------------------------|
| 1 the drafting of opinions | 5 the making of the document |
| 2 the setting of pleadings | 6 the writing of a brief |
| 3 the reading of the minutes | 7 the singing of a song |
| 4 the joining of the Inn | 8 the signing of a writ |

Exercise 22 Match the English and Russian equivalents:

- | | |
|--------------------------------|------------------------------------|
| 1 Inn of Court | a коллегия адвокатов |
| 2 chambers | b контора адвоката |
| 3 master of the bench | c школа подготовки барристеров |
| 4 the bar | d судебный распорядитель |
| 5 call to the bar | e общий профессиональный экзамен |
| 6 pupillage | f приношение звания барристера |
| 7 the common professional | g обучение |
| 8 examination | h курс профессиональной подготовки |
| 9 professional training course | |

Exercise 23 Read and translate the sentences paying attention to the Modal Verbs:

- 1 Intending barristers **must** join one of the four Inns.
- 2 They **must** make a certain number of attendances.
- 3 The differences **may** be summarized as follows ...
- 4 Barristers **may** not be liable for negligence in the conduct of a case.

- 5 Solicitors may be liable for negligence in the conduct of a case.
- 6 The Senate and the Bar can be regarded as the governing body.
- 7 He can now be regarded as a highly professional solicitor.

Exercise 24 Read and translate into Russian:

- | | |
|----------------------|------------------------|
| 1 a law graduate | 5 non-legal system |
| 2 a non-law graduate | 6 a non-statutory body |
| 3 a year's course | 7 a lay client |
| 4 one year's course | 8 non-professional |

Exercise 25 Translate into English:

- 1 Он должен поступить в школу из закон подготовки барристеров.
- 2 Коллегия адвокатов Англии была образована в 1974 г.
- 3 Она успешно сдала этот профессиональный экзамен.
- 4 Барристер имеет право присутствовать на заседании любого суда.
- 5 Он представляет интересы клиента.
- 6 Барристеры выполняют различные функции.
- 7 Эти различия очень существенные.

Exercise 26a. Answer the following questions:

- 1 How many Inns of Court are there in London?
- 2 Who controls the Inns?
- 3 What is the Bar?
- 4 Who is the governing body of the Bar?
- 5 How are intending barristers trained?

b. Draw a table showing the differences between barristers and solicitors.

c. Present the table to your group-mates. Try to use some of these expressions:

Let me underline that ...
It is necessary to stress that ...
Strong as it is ...
There is one more point ...)

d. Write an essay on one of the following topics:

- 1 The Lord Chancellor is a unique position.

- 2 Are all the judges appointed by the Queen?
- 3 Who are law officers?
- 4 Solicitors and barristers work together, don't they?

Section 3 Speaking English

Notaries and lawyers

During a coffee break at Davies's School of English

- Kate:** Yesterday I got acquainted with an English young girl. She is an assistant of a notary.
- Ann:** Oh, it's a very serious job. I know that notaries are officials with authority to perform certain kinds of legal transactions.
- Kate:** That's true about notaries. They are to record that they have witnessed the signing of legal documents. But Elsie is not a notary. She is practically a typist only. She prepares documents for the notary. It means she fills in the forms, which are mostly computerised.
- Ann:** And does she like her job?
- Kate:** I don't think so. She is studying to become a lawyer. During the day she works in the office and she is attending the local adult education centre in the evenings.
- Ann:** And how long will she study there?
- Kate:** I didn't ask her. But she hopes she will find a good job after she passes her final exams. Elsie dreams that she will practice law in London and become a successful lawyer when she is thirty.
- Ann:** Oh, a very ambitious person!

Vocabulary

to get acquainted with somebody *познакомиться с кем-либо*
 transaction *сделка*

to record [rɪ'kɔ:d] *записывать (в) протокол*; They are to record ... Они должны записывать (в) протокол ...; record ['rɛkəd] 1) запись, протокол, досье, дело; 2) документ; 3) моменты судебного дела, письменные показания по делу; 4) прошение (обвиняемого)

to witness *видеть* быть свидетелем чего-либо; *свидетельствовать* давать свидетельские показания о чем-либо; *свидетель* свидетель

to attend [ə'tend] *посещать*

adult ['ædʌlt] возмужал

to dream [dri:m] мечтать

success [sək'ses] успех; successful [sək'sesfʌl] успешный; to succeed [sək'si:d] добиться успеха

Exercise 27 a. Read these words paying attention to the sound [s]:

girl

work

person

thirty

worker

personal

certain

to concern

personally

certainly

concern

term

to work

concerning

first

b. Read these sentences paying attention to the intonation:

- 1 I got acquainted with a young \ girl.
- 2 They perform certain kinds of legal trans \ actions.
- 3 The notary witnesses the signing of legal \ documents.
- 4 She is practically a typist \ only.
- 5 She prepares documents for the \ notary.

Exercise 28 a. Read and translate the sentences paying attention to the use of Tenses and this rule:

В условных предложениях условия и времени, выраженных будущим действием, глагол употребляется в настоящем (а не в будущем) времени

I shall speak to her when I see her.

- 1 She will find a good job after she passes her final exam.
- 2 Elm hopes she will become a successful lawyer when she is thirty.
- 3 If you ask her she will tell you about her job.
- 4 He will sign these legal documents as soon as she types them.
- 5 The transaction will be made provided all the parties come to an agreement.

b. Translate into English:

- 1 Если он пройдет собеседование, то будет посещать вечерние занятия.
- 2 Если она ознакомится со всеми книгами из этого списка, то, конечно, напишет короткий реферат.

- 3 Если она закончит курсы, то сможет использовать эти компьютерные программы.
- 4 Я думаю, они найдут работу еще до того, как закончат университет.
- 5 Я подготовлю все документы, если получу такое задание от шефа.

Exercise 29 a. Translate the sentences paying attention to the verb *to witness*.

- 1 They are to record that they have witnessed the signing of legal documents.
- 2 He did not witness this legal transaction.
- 3 Many officials witnessed signing the agreement.
- 4 He witnessed the truth of the statement.
- 5 She witnessed to the road accident.

b. Translate into English:

- 1 Он был свидетелем этого дорожного происшествия.
- 2 Он еще не выступил свидетелем по этому делу.
- 3 Они дали свидетельские показания в суде?
- 4 Я был свидетелем их спора.
- 5 Кто был свидетелем этой ссоры?

c. Match the English and Russian equivalents:

witness against a defendant	свидетель обвинения
witness against an accused	попкой при обыске
witness for the prosecution	попкой при аресте
witness of arrest	свидетель истца или обвинения
witness of search	свидетель обвинения

Exercise 30 a. Complete and reproduce the talk:

- Yesterday I got acquainted ... of a notary.
 — Oh, it's a very serious job. I know the notaries are officials with authority to ...
 — That's true about notaries. They are to record ... But Elsa is not ... She is ... It means she fills in ...
 — And does she like ...?

I don't think so. She is studying ... During the day she works ...and she is attending ...

— And how long ...?

— I didn't ask her. But she hopes ... final exam. Elsa dreams ...a successful lawyer ...

— Oh, a very ...

b. Write out the sentences, expressions and grammatical forms which characterise informal talk.

c. Read and translate this certificate stamped by a notary:



Department of State

I, Secretary of State of the State of New Jersey, DO HEREBY CERTIFY that the records of this office show that the above named Limited Liability Company was filed in this office on the 4th day of July A.D. 2006 and so far as the records of this office show said Limited Liability Company continues as an existing Limite Liability Company within the State of New Jersey.

I FURTHER CERTIFY, that the location of the registered office is 111111 Hamilton Avenue, Trenton, New Jersey 086291.

IN TESTIMONY WHEREOF, I have hereunto set my Hand and affix my Official Seal at Trenton this 7 day of July A.D. 2007.

Secretary of State

Section 4 Annotation of the book

City Lawyers

(Annotation of the book written by Rebecca L. Nelson, Professor of Law at Northwestern University)

Over the past several decades, the number of lawyers in large cities has doubled, women have entered the bar at the unprecedented rate, and the scale of firms has greatly expanded. This immense growth has transformed the nature and social structure of the legal profession. In the most comprehensive analysis of the urban bar to date, *City Lawyers* presents a compelling portrait of how these changes continue to shape the field of law today.

Drawing on extensive interviews with Chicago lawyers, the author demonstrates how developments in the profession have affected virtually every aspect of the work and careers of urban lawyers – their relationships with clients, their tenure and satisfaction, income, social and political values, networks of professional connections, and patterns of participation in the broader community. Yet despite the dramatic changes, much remains the same. Stratification of income and power based on gender, race, and religious background, for instance, still maintains inequality within the bar.

The author of *City Lawyers* concludes that organizational priorities will likely determine the future direction of the legal profession. And with this landmark study as their guide, readers will be able to make their own informed predictions.

Vocabulary

decade [ˈdeɪkəd] десятилетие

scale масштабы, размер; эл. количество

to expand [ɪkˈspænd] расширяться, расти

immense огромный

comprehensive обширный, всесторонний

to date на сегодня; after date по истечении указанной даты
 to shape формировать
 to draw on an interview проводить интервью
 extensive [ɪk'stensɪv] обширный, пространственный
 virtually фактически, в сущности
 tenure ['tenʃə] пребывание (в должности); эд работа
 income доход
 value ценность, цена; valuable ценный
 pattern ['pætəŋ] модель; система, структура
 dynamic динамичный
 background фон, данные
 for instance например; for. for example
 to uphold поддерживать, удерживать, сохранять
 likely вероятно; вероятный
 landmark веха, поворотный пункт
 to predict [prɪ'dɪkt] предсказывать, пророчить; prediction [prɪ'dɪkʃən]
 предсказание, пророчество

Exercise 31 a. Translate into English:

- 1 за последние несколько десятилетий _____
- 2 количество увеличилось вдвое _____
- 3 изменить вид _____
- 4 самый глубокий анализ _____
- 5 проводить серьезные интервью _____
- 6 повысить на достоверность _____
- 7 вид участия _____
- 8 несмотря на большое изменение _____
- 9 организационные приоритеты _____

b. Match the synonyms:

unprecedented	great
immense	powerful
compelling	practical
virtual	wide
broad	unusual

c. Translate these word combinations:

- | | |
|-----------------------|-------------------|
| 1 to enter the Bar | to enter the Army |
| to enter a profession | to enter the Navy |
| to enter the Union | to enter a room |

- | | |
|------------------------------------|---------------------------|
| 2. to maintain equality/inequality | to maintain law and order |
| to maintain friendly relations | to maintain rights |

d. Translate the annotation of the book.

e. Write an annotation of one of the books on law professions you have read recently. (It may be a book in Russian.)

Section 5 Newspaper item

Supreme Court nominee (*Financial Times*, December 2005)

Over the weekend Mr Bush was working to rebuild his presidency, centred on a new nomination to the Supreme Court, following the withdrawal of Harriet Miers, his top White House lawyer, from the process. The unhappy withdrawal of Ms Miers' nomination is perhaps a most damaging to Mr Bush's authority.

By choosing Ms Miers, a close friend, he made the nomination into a personal, not ideological choice. Her public shunning is a very personal blow. He asked supporters to trust him. They did not.

Mr Bush could now be forced to take dictation from his base and pick a hard-line conservative judge.

That carries risks — it could spark a bitter war in the Senate and reaffirm Mr Bush as a partisan president at a time when just 29 per cent are satisfied with the country's direction. Faced with entrenched Democrat hostility, Mr Bush has no choice but to heal his breach with social conservatives, for whom the Supreme Court is the defining issue.

A new nomination could be announced early this week, and Mr Bush is expected to pick a clearly conservative nominee to reunite his base, a move that could spark a bitter partisan fight in the Senate.

Vocabulary

to withdraw (withdraw, withdrawn) отходить, отходить, уходить;

withdrawal отход, уход, уход

to damage ['deɪndʒ] повреждать, наносить ущерб; damaging наносимый вред, дискредитирующий

to shun избегать, избегать

blow [bləʊ] удар

to withdraw themselves, then, through nomination
to heal [his] mal-effects, nomination

Exercise 32 a. Translate into Russian:

- 1 to rebuild his presidency _____
- 2 to enter on a new nomination _____
- 3 the unhappy withdrawal _____
- 4 most damaging to his authority _____
- 5 her public shunning _____
- 6 to take dictation from his base _____
- 7 to pick a hard-line conservative judge _____

b. Translate into English using the construction *to be expected to do sth* used in the newspaper item:

- 1 Предложение Президентом США этой кандидатуры Сенат не поддержал.
- 2 Это являло неодобрение Демократической партии.
- 3 Предполагалось, что Президент выберет определенно консервативную личность.
- 4 Этот шаг может вызвать столкновение мнений в Сенате.
- 5 Новое предложение кандидатуры судьи в Верховном суде могло быть сделано через несколько дней.

c. Answer the following questions:

- 1 Have you heard anything about this unhappy nomination?
- 2 Why didn't the Senate support this nomination?
- 3 How did the President change his action?
- 4 How many people supported the President at that time?
- 5 Was the President's nomination to be approved by the Senate in accordance with the Constitution?

d. Retell the newspaper item.

Section 6 Word game

Fill in the gaps in the table by putting the right words from the list in the correct spaces: *Appeal, Law Lord, High Court, Recorder, Circuit*

JUDGES					
Called	Court	Referred to as	Title	Addressed in court	Retiring age
Lord of Appeal in Ordinary or ...	House of Lords	Lord Wise	Peerage — Lord Wise	My Lord	75
Lord Justice of ...	Court of Appeal	Lord Justice Wise	Knighthood — Sir John Wise	My Lord	75
... Judge	High Court	Mr (or Miss) Justice Wise	Knighthood — Sir John (or Dame Jane) Wise	My Lord My Lady	75
... Judge	Crown Court or County Court	His (or Her) Honour Judge Wise	none	Your Honour	72
...	Crown Court	Mr (or Miss) Recorder Wise	none	Your Honour	72

* Judges of the Old Bailey, although strictly ordinary circuit judges, are addressed as 'My Lord'.

You may notice that there are no female titles for judges sitting in the Court of Appeal and House of Lords. The old Act of Parliament creating these offices was passed at a time when women did not hold such positions. As a result women judges in these courts are called 'Lord', not 'Lady', e.g. Lord Butler-Sloss, the first woman judge ever to be appointed in the Court of Appeal.

COURTS

UNIT
10

Section 1: *Grammar* The Infinitive

Section 2: *Texts*

- 1 Civil courts of the UK
- 2 Criminal courts
- 3 Other courts
- 4 Lay persons in the courts

Section 3: *Speaking English* The Old Bailey

Section 4: *Annotations of the books*

- 1 The Supreme Court Review, 2004
- 2 The Supreme Court Economic Review, 2005

Section 5: *Illustrations* An Arbitration Clause of a contract

Section 6: *Word games*

Section 1 Grammar

The Infinitive (Инфинитив)

1 Инфинитив, или неопределенная форма глагола, отвечает на вопросы *что делать?*, *что сделать?* и обычно употребляется с частичкой *to*.

2 В предложении инфинитив обычно выполняет следующие функции:

(1) часть основного сказуемого

I am happy to see you.

Our plan was to discuss the matter later.

(2) часть составного сказуемого (глаголы *begin, to begin, to continue, to start, to hope, to decide, to be going* и модальных глаголов):

He began to speak as soon as silence fell.

I am sorry I must go now.

Внимание: После глаголов *to begin, to continue* могут также употребляться притяжители существительных *beginning, continuing*.

(3) прямого дополнения

He asked supporters to trust him.

He told her to wait.

(4) **определенный**

He had no time to wait for them.
У него не было никакой причины, чтобы ждать их.

It's a good question to discuss.
Это хороший вопрос, который нужно обсудить.

Мин: В этих случаях инфинитив часто переводится причастным предложением с отглагольным доминированием.

(5) **обстоятельство цели**

She is studying to become a lawyer.
He interrupted the speaker to ask that question.

(6) **обстоятельство следствия:**

I do not know him well enough to criticize him.
She is too busy to write articles for this journal.

3 **Инфинитив также употребляется:**

(1) **в составе оборота с предлогом for**

It was easy for the student to read documents in French.
To my mind, it was necessary for the workers to complete the job
the same week.

(2) **в составе оборота «сказочное дополнение»** (после глагола to want, to expect, to see, to hear, to make, to let и др.)

They wanted us to be present at the trial.
They expected the trial to be very short.

Мин:

После глаголов to see, to hear, to make, to let инфинитив употребляется без частицы to

I saw him leave the room.
He made me rewrite the report.

После глаголов to see, to hear могут также употребляться причастия настоящего времени.

(3) **в составе оборота «зачинательный глагол с инфинитивом»** (при этом сказочным дополнением глаголом to expect, to prefer, to arrange, to leave, to allow в сравнительном обороте)

The trial was expected to be over at 6.00.
Предполагалось, что суд закончится в 6 часов.

The law was reported to come into force on 1 December.
Сообщалось, что закон вступит в силу 1 декабря.

Мин: Такие предложения переводятся на русский язык, начиная с глагола в несовершенном-личной форме (Предполагалось —, Сообщалось —)

(4) **в составе обстоятельного инфинитивного оборота**

They planned a press conference at two o'clock in the afternoon,
the trial to start at ten in the morning.

Они планировали провести пресс-конференцию в 14 час.,
и суд начнется в 10 утра.

Exercise 1 Read and translate the sentences:

- 1 It is an Act to amend paragraph A of Section 1.
- 2 They had the authority to create new legislation.
- 3 His task is to present the client's case effectively in court.
- 4 They have the right to marry and found families.
- 5 Only states which are parties to the Convention and the Commission have the right to bring a case before the Court.
- 6 Some delegates argued that this right should be given only to those who choose to take full French citizenship.
- 7 Human Rights Watch try to prevent these crises from going out of control.
- 8 The European Convention was created to protect many essential rights.
- 9 The battle is certain to go on.
- 10 They are preparing for the enlargement of the EU, the European Parliament to be capped at 700 MEPs.

Exercise 2 Choose the right infinitive from this list, read and translate the sentences:

to come, to deliver, to be, to support, to firm, to take, to ensure

- 1 She is certain ... a good speech.
- 2 He is expected ... to his native place in a few years.
- 3 The reform was announced ... place next year.
- 4 He was considered ... a good lawyer.
- 5 They are known ... a partnership with foreign firms early next year.
- 6 These rules were said ... stability.
- 7 This country was reported ... his proposal.

Exercise 3 a. Use the particle *to* where necessary, read and translate the sentences:

- 1 They wanted these factors ... constrain taxes.
- 2 Solicitors are permitted ... advertise properties for sale.
- 3 The assemblies were empowered ... legislate with regard to internal affairs.
- 4 The journalists saw many voters ... come to the polling stations.
- 5 Nobody heard him ... say such words.
- 6 They hoped ... return to his native place a few years later.
- 7 He made the children ... leave the room.

- 8 Let me ... introduce the interpreter who will work at the conference.
- 9 This reaction made her ... keep silent.
- 10 The secretary let him ... take a rest.

b. Translate into English:

- 1 Разрешите представить вам г-на Петрова, адвоката, члена Московской коллегии адвокатов.
- 2 Обстоятельства заседания меня задерживают.
- 3 Это позволяло нам оперативно подготовить ответ.
- 4 Мы хотим, чтобы вы посмотрели эти документы.
- 5 Что заставило его промолчать?

Exercise 4 a. Complete, read and translate the sentences:

- 1 The main purpose of this meeting is to discuss ...
- 2 The first thing we need to do is to review ...
- 3 He requested us to copy ...
- 4 He requested us not to write ...
- 5 He was requested to...
- 6 She asked the audience not to ...
- 7 She was asked not to ...

b. Translate into English:

- 1 Он попросил посетителей подождать в офисе.
- 2 Секретарь попросила их не курить.
- 3 Нам попросили прийти завтра.
- 4 Их попросили пока никому ничего не говорить.
- 5 Кто сообщил им об этом?

Exercise 5 Match two parts, read and translate the sentences:

- | | |
|---------------------------------------|---|
| 1 The Act has been amended | to shield themselves from the horrors of the pest |
| 2 The European Commission was created | to support this law last May |
| 3 The law allows companies | to investigate such complaints |
| 4 Member states agreed | to register only patents of this kind |
| 5 They had a desire | to reflect the current legal status of the European Union |

Exercise 6 a. Read this official letter:

Dear Sirs

We are writing to inform you that our Bill No ... has not been honoured.

We have waited a month for your reply to explain why you have not made payment.

Although we are reluctant to take legal action to recover the amount, you leave us no alternative. Therefore, unless we receive your remittance within the next ten days, our solicitors will be instructed to start proceedings to recover the debt.

Yours sincerely,

b. Match the English and Russian equivalents:

to honour a bill
to make payment
to be reluctant
to recover the amount
to recover debt
to receive remittance

получить долг
получить перевод
получить данную сумму
оплатить счёт
произвести платеж
не иметь желания

c. Translate into English:

- 1 Мы ждём вашего ответа в течение месяца.
- 2 Мы надеялись, что вы объясните, почему вы не произвели платеж.
- 3 Мы не хотели бы начинать судебные действия.
- 4 Но у нас нет другого выбора.
- 5 Если мы не получим денег в течение десяти дней, наши юристы передадут дело в суд.

d. Read and translate these words characterising the official style of letters:

Dear Sirs

We are writing to inform you ...

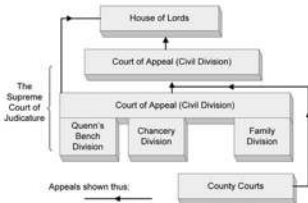
We are reluctant to ...

Yours faithfully

e. Translate the letter into Russian.

Section 2 Texts

The Civil courts of the UK



The House of Lords stands at the apex of the judicial system, and is the final court of appeal in civil and criminal matters, unless it is a matter of European Union Law, which can be appealed to the European Court of Justice. As a court of appeal, it is composed of the Lord Chancellor, twelve Lords of Appeal in Ordinary, who are judges specifically appointed for the purpose, and other peers who have held high judicial office. A quorum of three is necessary to constitute the court. Each judge may deliver a separate speech, the verdict being by majority. Five members often sit.

The Court of Appeal is composed of the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the President of the Family Division and the Vice Chancellor of the Chancery Division, who are all *ex officio*, and 35 Lords Justice of Appeal. Normally in civil cases the Master of the Rolls and the Lords Justice of Appeal sit. However, any High Court judges may be requested by the Lord Chancellor to sit. The Law Lords may also sit. The quorum of the court is three, and the court may sit in five divisions at the same time. The court may uphold, amend, or reverse the decision of a lower court, or order a new trial.

The three divisions of the High Court of Justice are of equal competence, so each is empowered to try any action, but for administrative purposes and convenience specific matters are allocated to each division.

County courts were first established by the County Courts Act, 1846, to provide cheap, speedy and local justice — so obviating the need for bringing actions at Westminster or before the courts at nisi prius. The county courts proved efficient, and their jurisdiction has been enlarged from time to time. The County Courts Act, 1934, which consolidated the County Courts Act, 1869, with certain later enactments, now governs the composition and the jurisdiction of these courts.

Vocabulary

county ['kaunti] 1) графство (законодательная единица в Англии);
2) округ (в США)

apex ['æpɒks] вершина, вершина

ex officio /ɒf.ɪ'ʃi.o/ по должности

to uphold (upheld, upheld) поддерживать, защищать

to empower уполномочивать

to allocate ['æləkeɪt] распределять; ассигновать

to arbitrate арбитровать, улаживать

nisi prius /naɪ.sɪ'praɪ.əs/ Лок. (если не было до этого) судебное заседание по гражданскому делу с участием присяжных по первой инстанции

Exercise 7 Read and translate the words:

The Supreme Court of Judicature	The Lord Chief Justice
The High Court of Justice	Lords of Appeal in Ordinary
Queen's Bench Division	The Vice Chancellor
Chancery Division	Law Lords
The Lord Chancellor	The County Courts Act

Exercise 8 a. Read and translate these groups of words:

specific	special
specifically	specialty
to specify	especial
specification	particular
specifics	particularity

b. Translate these Latin words used in English:

ex officio _____
nisi prius _____
e.g. _____
i.e. _____

Exercise 9 Match the English and Russian equivalents:

for the purpose	занимать высокие посты в судебной системе
to hold high judicial office	иметь право вести заседание суда
to constitute the court	состоять из
to be composed of	с этой целью
to sit	поддержать решение
to uphold a decision	изменить решение
to annul a decision	вернуть решение
to reverse a decision	участвовать в заседании

Exercise 10 Translate into English:

- 1 иметь равные права _____
- 2 кто-либо имеет право
рассматривать любое дело _____
- 3 в административных целях _____
- 4 определенные вопросы закреплены за кем-либо _____
- 5 суды были образованы в соответствии с законом
... года _____
- 6 отметить необходимость рассмотрения в суде _____
- 7 они оказались эффективными _____

Exercise 11a. Answer the following questions:

- 1 What is the top of the British judicial system?
- 2 What is its composition and power?
- 3 In what way are the functions and composition of the Court of Appeal different?
- 4 What are the lower civil courts?
- 5 How long have they been functioning?

b. Retell the text.

c. Present the diagram. The following words may be of help:

If you look at the top ...

down ...

at the bottom line

Here comes ...

These arrows (curly arrows) show ...

Criminal courts

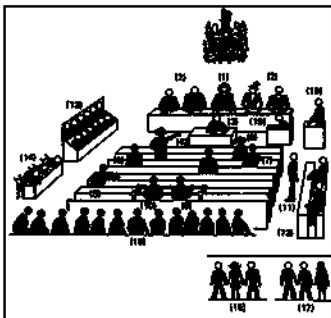
The courts which hear criminal cases are:

- The House of Lords
- The Court of Appeal (Criminal Division)
- Divisional Court of the Queen's Bench Division
- The Crown Court
- Magistrates' courts.

The House of Lords hears appeals from the Court of Appeal (Criminal Division) and from the Divisional Court of Queen's Bench Division. Either prosecutor or defendant may appeal, provided that the Court of Appeal or the Divisional Court certify that a point of law of general public importance is involved in its decisions. Either the Court of Appeal (or the Divisional Court) or the House of Lords gives leave to appeal on the ground that the point is one which ought to be considered by the House of Lords (Administration of Justice Act 1980).

The judges who sit in the Court of Appeal (Criminal Division) are the Lord Chief Justice, the Lords Justice of Appeal, and judges of the Queen's Bench Division. A quorum of three is necessary.

The Crown Court takes over all 'first instance' business above the magistrates' court level. The Crown Court has jurisdiction over indictable offences and offences for which a defendant has been committed by the magistrates for trial by the Crown Court.



- 1 High Court Judge, Circuit Judge or Recorder
- 2 Justices of the Peace (not more than 4)
- 3 Clerk of the Crown Court
- 4 Defending Solicitor (standing)
- 5 Prosecuting Solicitor (seated)
- 6 Solicitor or solicitor's clerk in attendance (Defence)
- 7 Solicitor or solicitor's clerk in attendance (Prosecution)
- 8 Probation Officer
- 9 Accused
- 10 Member from public
- 11 Court Usher
- 12 Witnesses who have given evidence
- 13 Jury
- 14 Press reporters
- 15 Public
- 16 Witnesses for Prosecution outside court waiting to give evidence
- 17 Witnesses for Defence outside court waiting to give evidence
- 18 Witness
- 19 shorthand writer

The Crown court has about 90 centres, chosen as far as practicable to be within the travelling distance of the whole population. There are six circuits:

South-eastern (with London as its administrative centre)

Midland and Oxford (Birmingham)

North-eastern (Leeds)

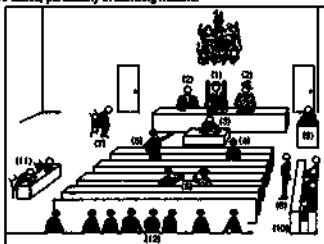
Wales and Chester (Cardiff)

Western (Bristol)

Northern (Manchester).

Magistrates' courts

Magistrates' courts (or courts of petty sessions) deal with more cases than any other court in the English legal system. They deal with criminal prosecutions, some civil cases and perform certain administrative duties, particularly in licensing matters.



1 Chairman of Justice

2 Justice of the Peace

3 Clerk to the Justice

4 Prosecuting Lawyer (seated)

5 Defending Lawyer (standing)

6 Probation Officer

7 Defendant

8 Witness

9 Witness

10 Other witnesses

11 Press

12 Public

The jurisdiction of Magistrates' courts falls under three main headings:

- as a court of trial
- as a court of preliminary investigation
- miscellaneous.

The jurisdiction of the court of trial is exercised by from two to seven justices, and the punishment that may be imposed for any one offence is six months' imprisonment or a fine of £5,000.

As a court of preliminary investigation the Magistrates' court is called upon to determine whether an accused person, who is brought before it by means of a summons or by arrest, shall be committed to stand trial at the Crown Court.

As to miscellaneous jurisdiction, Magistrates' courts perform administrative functions in regard to liquor licensing (approving applicants and premises), betting licensing, theatre and cinematograph licensing, and have a limited jurisdiction in regard to civil debts (e.g. unpaid income tax where the amount due is less than £30) and have some other duties.

Vocabulary

to hear *заслушивать; слушать* *судиться (дело)*

magistrate(s) court *суд магистрата, магистратский суд, мировой суд*
provided *при условии что, если*

just *хорош, мирный, справедлив*

to involve *[ɪn'vəʊv]* *вовлечь, включать*

to give leave *дать разрешение*

to take over *принимать (от другого)*

indictable *[ɪn'daɪtəbəl]* *являющийся основанием для уголовного дела по обвинительному акту*

to commit an offence *совершить правонарушение, преступление*

attendance *[ə'tendəns]* *явка, присутствие*

wider *горизонтальный; обширный*

chief *главный; главный*

petty *мелкий, второстепенный; petty sessions суд мелких дел*

probation *[prə'beɪʃn]* 1) *испытательность; 2) испытание; 3) условное осуждение*

preliminary *предварительный*

miscellaneous *[ˌmɪs'telənɪəs]* *разнообразный; разное*

Знак вопроса

premises ['premises] помещения

to let держать apart, давать стипендию

Exercise 12 Read and translate these words and word combinations:

prosecutor	to deal with criminal prosecutions
circuit judge	to perform administrative duties
solicitor's clerk in attendance	to fall under three headings
probation officer	to exercise jurisdiction
shorthand writer	to impose punishment
defendant	to bring an accused person by summons
witness for defence	to stand trial
public sector	the amount due
first instance cases	

Exercise 13 Translate these word combinations, paying attention to the word order:

magistrate court level	six months' imprisonment
probation officer	liquor licensing
press reporter	theatre and cinematograph li-
shorthand writer	censing
Midland and Oxford circuit	income tax

Exercise 14 Fill in the blanks with the right preposition chosen from this list, read and translate the sentences:

on, over, above, in, by, for, to, with

- 1 They give leave to appeal ... the ground that the point ought to be considered ... the House of Lords.
- 2 A quorum of three judges is necessary ... the Court of Appeal.
- 3 The Crown Court takes over all first instance cases ... the magistrate court level.
- 4 The Crown Court has jurisdiction ... indictable offences.
- 5 The defendant was committed by the magistrate ... trial by the Crown Court.

- 6 Magistrate courts deal ... criminal prosecutions.
- 7 Magistrate courts also perform administrative functions in regard ... licensing.

Exercise 15 Translate into English:

- 1 Эта апелляционная делянка рассматривается в Палате лордов.
- 2 Необходимо кворум трех судей, которые заседают в Апелляционной суде.
- 3 В Англии функционирует около 90 отделений Суда Короны.
- 4 В Англии существует шесть округов, в которых действуют эти центры.
- 5 Магистратские суды рассматривают больше дел, чем какое-либо другие суды в Англии.

Exercise 16 a. Answer these questions:

- 1 Why do you think magistrate courts are called courts of petty sessions?
- 2 Under how many headings does their jurisdiction fall?
- 3 How many judges sit at a trial?
- 4 What punishment can they impose?
- 5 In what cases do these courts act as courts of preliminary investigation?
- 6 What does miscellaneous jurisdiction of these courts cover?
- 7 What is their limited jurisdiction in regard to civil debts?

b. Write an essay *The essential differences of Crown Courts and magistrates' courts*.

c. Present the picture showing a Crown court.

Other courts

Court-Martial Appeal Court hears appeals from conviction by court-martial. It is composed of the judges of the Court of Appeal and the Queen's Bench Division.

Employment Appeal Tribunal is composed of Court of Appeal and High Court judges nominated by the Lord Chancellor. It hears appeals on questions of law from employment tribunals under the Equal Pay Act.

1970, the Sex Discrimination Acts, 1975 and 1986, the Race Relations Acts, 1976 and 2000, and the employment legislation, 1978 to 1982.

Coroners' courts are of ancient origin in the UK. The main duties of the coroner are to investigate the death of any person which has been sudden, violent or unnatural (i.e. against the course of nature), deaths of prisoners, deaths in mental institutions, deaths involving the police. A coroner must summon a jury when there is reason to suspect that the death is due to murder, manslaughter, infanticide, a road accident, poisoning, or notifiable diseases. An inquest may be held in any place (e.g. a court or a private house). Proceedings are carried out in a formal manner. The public are admitted to the court except when this would be prejudicial to national security.

Administrative tribunals of the UK hear over 200,000 cases a year, dealing with the rights and duties between man and the State. For example, Adams is injured at work which disables him from continuing his employment. He can claim a pension under Social Security legislation, but his claim may be repudiated by the Adjudication Officer on the ground that it is not within the Act.

Many such disputes occur between a private individual seeking to protect their own private rights and a Minister, Government department, local authority or other person to whom authority has been given by law to administer a particular Act. The position occupied by administrative tribunals and the type of law applied therein, known as administrative law, is a matter of great importance.

Vocabulary

смерть-мёртвь военный суд, военный трибунал

смертельное происшествие; смертность

смерть коронер, следователь (по расследованию случаев насильственной или внезапной смерти)

внезап [ˈvnezapni] внезапный

to suspect подозревать

due to death из-за чего-либо

manslaughter [ˈmænsləʊə] непредумышленное убийство

infanticide дедубицид

to poison отравить, poison яд, отравя; ядовитый

to notify someone; notified поданный регистрацией
 prejudice ['preʒudis] 1) вред, ущерб; 2) предубеждение; prejudicial
 [ˌpreʒu'diʃl] 1) наносящий вред, ущерб; 2) предвзятый
 security [sɪ'juəri] безопасность
 to injure ['ɪnjuə] причинять вред; нарушать право
 to disable сделать или объявить недееспособным
 to retaliate отомстить, отплатить
 adjudication 1) признание, установление; 2) рассмотрение, решение;
 3) осуждение
 dispute ['dispuːz] спор, конфликт; parties to dispute стороны в кон-
 фликте (споре); labour dispute трудовой конфликт; family dispute
 семейный конфликт (спор); to be in dispute спорный, конфлик-
 тозный

Exercise 17 Read and translate into Russian:

- | | |
|------------------------------|--------------------------|
| 1 Employment Appeal Tribunal | 5 Social Security |
| 2 Equal Pay Act | 6 Adjudication Officer |
| 3 Sex Discrimination Act | 7 Queen's Bench Division |
| 4 Race Relations Act | 8 Government department |

Exercise 18 Choose the correct variant, read and translate the sentences:

- 1 This court (*composed, is composed*) of the judges of two other courts.
- 2 The Tribunal consists of judges (*nominated, are nominated*) by the Lord Chancellor.
- 3 The main duties of the coroner are (*investigate, to investigate*) the death of persons in some particular cases.
- 4 There was reason (*suspect, to suspect*) that the death was due to murder.
- 5 The proceedings (*carried, were carried*) out in a formal way.
- 6 The public usually (*admitted, are admitted*) to the court.
- 7 Administrative tribunals (*hear, are heard*) over 200,000 cases a year, (*dealt, dealing*) with the rights and duties between men and the State.

Exercise 19 Fill in the blanks with the right word from this list, read and translate the sentences:

to protect, occur, accepted, to show, to administer, repudiated, applied

- 1 Many such disputes ... between a private and an official.
- 2 People seek ... their own private rights.
- 3 Authority ... to these officials by law.
- 4 The officials are ... particular laws.
- 5 The position ... by administrative tribunals is a matter of great importance.
- 6 The type of law ... is also very important.
- 7 Adam's claim may be ... by the Adjudication Officer.

Exercise 20 Translate into English:

- 1 Расследование может проводиться в любом месте.
- 2 Расследование проводилось и в суде, и в частном доме.
- 3 Он получил серьезную травму на рабочем месте.
- 4 Рабочий потребовал выплаты пенсии.
- 5 Он получил отказ, поскольку его случай не попадает под действие этого закона.

Exercise 21 a. Write a plan of the text.

b. Retell the text according to your plan.

c. Write a few lines about another labour dispute.

Lay persons in the courts

Lay persons (justices of the peace, jurors, and assessors) assist a professional judge or lawyer in the special courts and administrative tribunals.

There are some 21,600 lay justices of the peace in the magistrates' courts and Crown Courts. They regularly adjudicate on a wide variety of matters and perform numerous administrative duties. These justices deal with more than 95 per cent of the criminal cases in Britain.

Lay justices are required to undergo training in the basic duties of their office. This does not render them lawyers, but assists them in understanding the meaning of 'acting judicially' so that they may more effi-

ciently administer justice to the local people, from whose members they are drawn and whose public interests they serve.

Jurors, as lay persons, compose juries. On their shoulders rests the final determination of verdicts in criminal cases. The criminal jury consists of twelve persons of either sex in the Crown Court. Juries are not used in magistrate's courts. The basic qualification for a juror is that of citizenship as evidenced by inclusion in the Electoral Register. Anyone between the ages of 18 and 65 registered as an elector who has lived here for five years or more since the age of 13 becomes liable for jury service.

Anyone who has been imprisoned in the past ten years is disqualified from serving on a jury as is anyone who has been on probation during the previous five years. Peers, judges, M.P.s, clergymen, barristers, solicitors, medical practitioners, members of H.M. Forces and police officers are among the persons exempt from jury service. Mentally ill persons are ineligible.

Lay assessors are found in the following courts and tribunals:

- The Admiralty Court of the Queen's Bench Division
- The Restrictive Practices Court
- Administrative Tribunals

Although the constitution of each may vary in detail, the common factor is the presence of lay persons, usually drawn from bodies such as local authorities, employers' organizations and employees' organizations. Usually the chairmen are legally qualified, but the presence of the lay persons ensures that tribunals have the benefit of industrial or other experience.

Vocabulary

эксперт [э'ксп] эксперт-консультант, членник жюри

to exempt [x'эмпт] освобождать

eligible жюриский право; ineligible не жюриский право

restrictive ограничительный, роотрикатный; restrictive agreement ограничительный договор

to assure [n'ю] обеспечивать, гарантировать

benefit ['bnefit] жюрица, выгода, жюричество

Exercise 22 a. Match the abbreviations and full words

MP	European Union
MEP	Member of Parliament
M.M.	Member of the European Parliament
UK	Her Majesty
EU	United Kingdom

b. Write short sentences using these words:

- 1 lay persons _____
- 2 to adjudicate on a wide variety of matters _____
- 3 to perform numerous administrative duties _____
- 4 to deal with criminal cases _____
- 5 to undergo training _____
- 6 to administer justice _____
- 7 to serve public interests _____

c. Translate into English:

- 1 присяжный _____
- 2 вынести вердикт _____
- 3 может быть вызван на звание суда в качестве присяжного _____
- 4 он имеет право быть присяжным _____
- 5 он не имеет права быть присяжным _____
- 6 есть ограничения, указанные в законе _____
- 7 не иметь юридического образования _____

Exercise 23 a. Answer the following questions:

- 1 What lay persons can be found in magistrates courts?
- 2 What are the requirements for lay justices?
- 3 Who can be qualified as a juror?
- 4 Who is not eligible as a juror?
- 5 From what bodies are lay persons usually drawn?

b. Retell the text.

c. Write an essay on one of the topics:

- 1 Would you agree to be a juror one day?
- 2 The court system in every country is different.

- 3 It is next to impossible to remember the titles of all officials in the UK courts.

Section 3 Speaking English

The Old Bailey

During a break between the sessions at Davies' School of English

Mary: Ann, have you ever been to the Old Bailey?

Ann: I'm sorry to say I don't know what it is.

Mary: It's a criminal court in London. Officially it is called the Central Criminal Court in the City of London. It is one of the 90 centres of the Crown Court.

Ann: And why did you go there of all the interesting places of London?

Mary: I have heard it is one of the curiosities of London. And it is really very interesting. Now I can say so. I saw it with my own eyes.

Ann: Are visitors usually allowed in?

Mary: Oh, yes. I came to the Old Bailey at about ten past morning. There was a long queue near the Court. Visitors are allowed in most hearings. The list of hearings for the day is exhibited near the entrance and you may choose any hearing you like and go to the public gallery of the chamber where the case you have chosen is heard. It's like a theatrical performance. All judges in uniforms and wigs. The accused! The witnesses interrogated! And all that!

Ann: How very interesting! I should go and see it too. Where exactly is the Old Bailey?

Mary: In the western part of the City, within five minutes' walk from St. Pauls' underground station. Now I know that the Old Bailey houses many courts and some of Britain's most notorious murder trials have taken place here. The Lord Mayor and aldermen can sit with any judge in any type of case in the Old Bailey.

Vocabulary

curious любопытный; curiosity любопытная вещь

to queue [kju:] стоять в очереди; queue очередь; ж. line
line очередь

to interrogate допрашивать; interrogation допрос

notorious [no'to:riəs] печально известный, пользующийся дурной сла-
вой not famous [fə'meɪs]

skidmark ['skɪdmɑ:k] откаты, следы городского самоуправления;
страдания, судьба или административный чиновник

Exercise 24 a. Read the words paying attention to the sound [r]
(which is pronounced before vowels):

daring	are allowed	really
break	visitors are allowed	interesting
sorry	are exempt	are announced
criminal	are informed	are expected

b. Read the sentences paying attention to the intonation:

- 1 Have you ever been to the Old Bailey?
- 2 Why did you go there?
- 3 When did you go?
- 4 Where exactly is it?
- 5 What did you see there?

Exercise 24 a. Write out all the information about the Old Bailey.

b. Complete and reproduce the dialogue:

- Have you ever been to the Old Bailey?
- I am sorry to say I don't know what it is.
- It's a criminal ...
- And why did you go there of all the interesting places of London?
- I have heard ...
- Are visitors usually allowed in?
- Oh, yes. I came ... queue ... list of hearings ... gallery ... theatrical ...
- How very interesting. I should go and see it too. Where exactly ...?
- In the western part ... five minutes ... station. Now I know the Old Bailey houses ...

c. Write out words, expressions and sentences characterizing informal talk.

Section 4 Annotations of the Court Reviews

1 The Supreme Court Review 2004

(Annotation written by Geoffrey Stone, Distinguished Service Professor of Law at the University of Chicago Law School)

Since its inception in 1990, The Supreme Court Review has been lauded for providing authoritative discussions of the Court's most significant decisions.

Distinguished participants here analyze current and previous public issues and sentiments and discuss the implications of court decisions.

2 The Supreme Court Economic Review 2005

(Annotation written by Daniel Polsby, director of the Law and Economics Program at George Mason University School of Law holding a joint appointment as Distinguished Professor of Law and Economics at the University of Milan School of Law)

The Supreme Court Economic Review is a peer-reviewed, interdisciplinary series focusing on economic consequences, precedents, and reasoning based on the work and decisions of the U.S. Supreme Court.

Recent topics have included the evolution of patent law at the Federal Circuit and Supreme Court levels, ownership of economic theory, probability errors regulating tort and contract law, the psychology of punishment, and more.

Vocabulary

distinguished [dɪ'stɪŋɡwɪʃt] выдающийся, знаменитый

interdisciplinary переводит: пооплачивающее

to lead [liːd] вести, проводить

consequence ['kɒnsɪkwəns] последствие

to reason [riːzn] рассуждать, обсуждать; давать довод, аргумент

mislead [mɪs'liːd] вводить в заблуждение; mislead [mɪs'liːd] вводить в заблуждение

error ['erə] ошибка; см. mistake

Exercise 25 a. Read and translate the words:

authoritative

significant

current

recent

economic

evolution

patent

circuit

previous

interdisciplinary

ownership

psychology

b. Match the synonyms:

error

issue

sentiment

implication

decision

distinguished

current

mislead

meaning

mislead

judgement

outstanding

present

feeling

c. Match the antonyms:

to lead

to join

to include

to regulate

to deregulate

to criticise

to leave

to exclude

Exercise 26 a. Translate into English:

1 представлять авторитетные обоснования

2 самые значимые решения суда

3 анализировать различные вопросы

4 сосредотачиваться на экономическом последствии

5 аргументы, основанные на работе и решении суда

b. Translate one of the two annotations into Russian.

c. Say why you chose that particular annotation.

d. Write a short annotation of one of the books about courts in a certain country. (The book may be in Russian.)

Section 5 Illustrations

An extract from an Arbitration Clause of a contract

1 All disputes and differences which may arise out of or in connection with the present Contract will be settled as far as possible by means of negotiations between the Parties. If the Parties do not come to an agreement, the matter, without recourse to Courts of Law, is to be submitted for settlement to Arbitration, with its seat in Stockholm, Sweden.

2 Arbitration shall be established as follows:

The Party which wished to refer the dispute to Arbitration shall notify the other Party by a registered letter stating the names and the address of the arbitrator chosen who can be a citizen of any country, as well as the subject of the dispute, date and number of the Contract. Within thirty days of receipt of the above letter the other party shall choose its arbitrator and inform the claimant by a registered letter of the name and address of the arbitrator chosen.

Exercise 27 a. Translate the following into English:

- 1 все стороны и разногласия, которые могут возникнуть _____
- 2 урегулировать, насколько это возможно, путем переговоров _____
- 3 без направления в суд _____
- 4 передать в арбитраж _____
- 5 выбрать арбитра _____
- 6 выбранный арбитр _____
- 7 сообщить второй стороне _____

b. Translate the extract into Russian.

Section 6 Word game

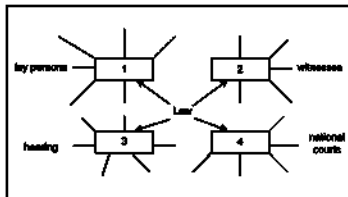
Put the following headings in the correct spaces marked 1—4 and add other words you remember on the subjects:

Courts

Officials

People involved

Legal actions



- Section 1: *Grammar* Model Verbs and the Infinitive
 Section 2: *Word formation* Conversion
 Section 3: *Texts*
 1 Judicial precedent
 2 Legislation
 3 Textbooks
 4 Local customs
 Section 4: *Speaking English* Customs
 Section 5: *Annotations of the book* Law's Limits
 Section 6: *Illustrations* Examples of cases

Section 1 Grammar

Model Verbs and the Infinitive

Модальные глаголы can, may, must, should, ought, need, shall не употребляются самостоятельно, а только в сочетании с инфинитивом смыслового глагола.

Инфинитив, состоящий из слова модального глагола, и исключительных ought, употребляется без частицы to

Модальные глаголы выражают:

can/could

возможность или способность

I can come and see you tomorrow.

He can speak a few foreign languages.

I was sitting at the back of the chamber but could hear very well.

The boy couldn't swim.

possibly (в отрицательных предложениях)

Could you repeat it, please?

may/might

возможность или разрешение

He may read all the documents tomorrow.

It may be true. (It might be true.)

He may know about this fact. (He might know about this fact.)

must

подлинное, необходимость, настоятельную рекомендацию

It is very late. I must go.

You must read this article by all means.

You must keep it a secret.

must (обычно употребляется в отрицательной форме)

отсутствие необходимости

We have got plenty of time. We needn't hurry.

We can keep this a secret between ourselves. We needn't tell anybody else.

shall

преднамерение (используется в документах)

The Parties shall try to come to an agreement.

вопрос (используется для совета что-либо)

Shall I sign this form?

should, ought (близки по значению)

рекомендация, совет:

You look tired. You should have some rest.

You shouldn't believe everything he says.

She has been studying hard for the exam, so she ought to pass.

Exercise 1 Read and translate the sentences:

- 1 The Lord Chancellor may take part in the debates in the House of Lords.
- 2 He can vote in all of its divisions.
- 3 The Attorney General may prosecute in important and difficult cases in the criminal courts.
- 4 Intending barristers must join one of the four Inns of Court.
- 5 They must make a certain number of attendances at their Inn.
- 6 Barristers cannot sue for their fees.
- 7 Solicitors can sue for their fees.

Exercise 2 Use the particle to where necessary, read and translate the sentences:

- 1 The European Parliament which is deeply sceptical of the law must ... back the proposal before it can ... take effect.

- 2 The nomination could ... spark a bitter partisan fight in the Senate.
- 3 Where a rule of equity and rule of common law are at variance with reference to the same matter, the rule of equity should ... prevail.
- 4 A boundary dispute is a quarrel where a boundary is or ought ... be.
- 5 Legislation may ... take the form of Acts of Parliament on the one hand and Statutory Instruments on the other.
- 6 Parliament can ... manage between 60 and 70 Acts per session.
- 7 The Constitution shall ... have the supreme judicial force and direct application.

Exercise 3 Choose the right infinitive from this list, read and translate the sentences:

to disapprove, to enforce, to be, to participate, to study, to telephone, to park

- 1 Private citizens may legally ... the law by beginning proceedings by themselves.
- 2 Society may well ... of some precepts.
- 3 As undergraduates may ... Property Law, Commercial Law or Public Law at this school.
- 4 Candidates may also ... in the seminar course.
- 5 There must ... a lot of people who are interested in these subjects.
- 6 You must not ... your car on double yellow lines. It's against the law.
- 7 I needn't ... him now. I am seeing him tonight.

Exercise 4 Complete, read and translate the sentences:

- 1 You needn't buy these expensive books. You may borrow them from ...
- 2 You needn't take a taxi. Mr Smith will drive you to ...
- 3 Robert must be very talented. He can play the piano, ...
- 4 If she sings well, she might win the prize in the competition in ...
- 5 I could finish my report ...
- 6 I must be on the platform by 10 o'clock or ...
- 7 I ought to apologise to ...

Exercise 5 Read and reproduce these mini-dialogues:

- 1 — He must be Tom's son. He looks just like him!
— That's true. There is no mistake about it.
- 2 — Could you explain it in simpler words?
— I am afraid I can't. Try to consult a few dictionaries and I hope you will understand the meaning of this expression then.

- 3 — That can't be Jane walking down the street. She is in London now studying law. I am sure it isn't Jane.
— But it seems to me it's Jane.
- 4 — If it gets colder tomorrow, it may snow.
— But I don't think it will get colder. I have heard the forecast.
- 5 — Shop assistants ought to be polite to the customers.
— But unfortunately some shop assistants forget this rule.

Exercise 6 Translate into English:

- 1 Вы должны немедленно предоставить этот документ.
- 2 Нет никакой необходимости переписывать это заявление.
- 3 Можно воспользоваться вашим советом?
- 4 Возможно, он позвонит сегодня вечером или завтра утром.
- 5 Он может подготовить весь пакет документов в течение трех-четырех дней.
- 6 Потерпевшая сторона должна немедленно обратиться в суд.
- 7 Суд не может негать слушание этого дела.

Section 2 Word formation

Conversion (Конверсия)

Конверсия — один из самых распространенных способов образования существительных от глаголов и падежей от существительных без изменения формы слов:

to work	работать	work	работа
to support	поддерживать	support	поддержка

При конверсии некоторые слова имеют ударение:

to sue'suit	осудить	'sue/suit	осудительный
to dispute	спорить	'dispute	спор

Exercise 7 a. Read and translate the verbs, write the corresponding nouns:

to question	_____	to arrest	_____
to answer	_____	to witness	_____
to report	_____	to file	_____
to return	_____	to rule	_____

to date _____	to judge _____
to grant _____	to appeal _____
to lack _____	to petition _____

b. Translate into English and write sentences using these words:

- 1 мнить, перемена _____
- 2 пойти на компромисс, компромисс _____
- 3 заканчивать (университет), выпускник _____
- 4 работать, работа _____
- 5 апеллировать, апелляция _____
- 6 пытаться, попытка _____

Exercise 8 a. Read and translate the words:

- 1 to record (records, recorded, recording) _____
record (his records) _____
- 2 to conduct (conducts, conducted, conducting) _____
conduct (his conduct) _____
- 3 to progress (progresses, progressed, progressing) _____
progress (their progress is) _____
- 4 to subject (subjects, subjected) _____
subject (two subjects) _____
subject to your approval _____

b. Read the sentences paying attention to the words in *italics*, state what Parts of Speech they are, and translate the sentences:

- 1 The *convict* is a person convicted of crime and undergoing punishment.
- 2 He was *convicted* of murder.
- 3 All the *supporters* were certain to vote.
- 4 Today *judges* may develop the common law within fifty narrow limits.
- 5 This rule *limits* their activities.
- 6 Do women in your country have the *vote* in your country?
- 7 Law may be defined as a rule of *human conduct*, imposed upon and enforced among the members of a given state.
- 8 Who will *conduct* the meeting?
- 9 It was a *matter* of great importance.
- 10 The number of participants did not *increase*.

c. Write your own sentences using these words:

to convict

convict

to dispute

dispute

to conduct

conduct

to progress

progress

Section 3 Texts

Judicial precedent

In English law substantive rules of law derive their authority from the following: judicial precedents, legislation, certain ancient textbooks and, to a very limited extent, local custom. These are called the legal sources.

Judicial precedent is of fundamental importance in the English legal system, for the principles of the common law, which have developed gradually through case-law over the centuries, are the main source of English law.

The English courts are bound to follow decisions of higher courts in the judicial hierarchy; further in many cases they must also follow their own decisions. Decisions of inferior courts, however, do not have the binding force. Decisions concerning the interpretation of statutes are also binding. Thus English lawyers must always refer to case-law even if the facts of the case they are preparing are covered by statute-law and not common-law rules. The law reports are therefore basic works of reference for members of the English legal profession.

The hierarchy of courts in this matter is as follows:

- Court of Justice of the European Communities
- + House of Lords
- Court of Appeal (Civil Division)
- Court of Appeal (Criminal Division)
- Queen's Bench Divisional Court
- High Court.

It has not been determined whether decisions of the Crown Court are binding on magistrates' courts, but in effect they are not since they are not reported in the series of law reports and because appeals on point of law are by case stated to the Divisional Court of the Queen's Bench.

The two divisions of the Court of Appeal are of equal status and are not strictly bound by each other's decision, but in practice each does pay attention to the rulings of the other and each has a strong persuasive influence on the other to ensure certainty and uniformity of the law.

Vocabulary

to derive [dɪ'raɪv] получать, извлекать; устанавливать происхождение
for instance, for example
gradually ['ɡreɪdʒuəli] постепенно
case-law судебное право; case law верста обзоры судебной
прецедентов
to bind (bound, bound) связывать; to be bound быть связанным; binding
обязательный
inferior ['ɪnfɪə] ниже
inferior нижний, младший; худший; adv. superior высший, старший,
лучший
reviewer (reviews)
reviewer ['ri:viə] обзоры; справка
ruling постановление, определение, решение
persuasive [pə'sweɪsɪv] убедительный
certainty определенность, уверенность

Exercise 9 Read and translate these words:

precedent	the main legal sources
hierarchy	substantive rules of law
substantive	substantive law
authority	basic works of reference
ancient	over the centuries

Exercise 10 Match the English and Russian equivalents:

to derive their authority	быть источником
to a very limited extent	относительно к прецедентному праву
to be of importance	принимать решения
to follow decisions	иметь обязательную силу
to have the binding force	в очень ограниченной степени
to refer to case-law	подпадать под статутное право
to be covered by statute law	иметь источник права

Exercise 11 Choose the right words from this list, read and translate the sentences:

effect, series, law binding, bound, decisions, states

- 1 It has not been determined if decisions of the Crown Court are ... on magistrate courts.
- 2 In ... decisions of the Crown court are not binding on these courts.
- 3 These decisions are not reported in the ... of law reports.
- 4 Appeals on point of ... are by case stated to the Divisional Court.
- 5 The two divisions of the Court of Appeal are of equal ...
- 6 The two divisions are not strictly ... by each other's decision.
- 7 The English courts are bound to follow ... of higher courts.

Exercise 12 Read and translate the sentences paying attention to the construction '*it does pay attention*':

В утвердительных предложениях для усиления значения основного глагола перед ним может стоять соответствующий вспомогательный глагол:

*I do remember it.
Я очень хорошо помню это.*

- 1 Each division *does pay attention* to the rulings of the other.
- 2 Sometimes lower courts *do follow* their own decision.
- 3 They *do know* these facts.
- 4 We *do discuss* such problems with professionals.
- 5 He *does possess* a lot of reference books.

Exercise 13 Translate into English:

- 1 принципы общего права _____
- 2 суды высшей инстанции _____
- 3 они обязательны к исполнению _____
- 4 толкование законодательных актов _____
- 5 принимать во внимание постановления суда _____
- 6 обеспечивать определенность _____
- 7 обеспечивать унифицированность правовой системы _____

Exercise 14 a. Answer the following questions:

- 1 What are the four sources of English law?
- 2 Which of them is the basic one?
- 3 What is the nature of different court decisions?
- 4 Do English lawyers have to refer to case law or statute law?
- 5 What is hierarchy of English courts?
- 6 How are the two divisions of the Court of Appeal interrelated?

b. Retell the text.

Legislation

The sovereignty of Parliament means that Parliament is legislatively supreme and can make and unmake (i.e. repeal) laws to any extent. Moreover, there is no body which can declare its legal enactments to be of no effect; the only limit on the legislative power of Parliament is that it cannot bind its successors in power.

Any Act passed by Parliament which is of general application is absolutely binding on all persons within the sphere of Parliament's jurisdiction. However controversial a particular statute may be, a judge is bound to enforce its provisions, although there may be some scope for judges to interpret a new statute in a particular way.

A statute may be defined as an express and formal laying-down of a rule or rules of conduct to be observed in the future by persons to whom the statute is expressed, or by implication, made applicable. A statute and a judgement may be contrasted in this way:

Statute	Judgement
(a) Creates new law	Usually declines any attempt to create new law
(b) Lays down general rules for the guidance of future conduct	Usually applies an existing law to a particular set of circumstances
(c) Is imperative	Gives reasons

The first step in legislation is the drafting of the Bill. This is a skilful and sometimes long process requiring the services of Parliamentary Counsel, who are lawyers attached to the Treasury.

Once drafted, the Bill passes through the following stages to enable Parliament to consider and reconsider its provisions as thoroughly as possible:

- (a) First reading in the House.
- (b) Second reading in the House.
- (c) Committee stage, when a Committee is to consider the details of the Bill clause by clause.
- (d) Report stage, when the chairman of the Committee formally reports to the House and at this stage amendments to the Bill are often made.
- (e) Third reading in the House.

After its Third reading in the Commons, the Bill is sent to the Lords where it goes through a procedure similar to that in the Commons.

Having passed the House of Lords the bill is ready for the Royal Assent, which may be given by the Queen personally or by three Lords Commissioners. Once the Royal Assent is given, the Bill becomes an Act of Parliament and takes effect immediately, unless some future date is specified in the Act.

Vocabulary

to declare [dɪ'kleə] объявлять, заявлять

some measure размах, размер

applicable [ə'plɪkəbəl] применимый; надлежащий, соответствующий

to disclaim отказываться от

to attempt пытаться; attempt попытка

skilled умный, искусный

the Treasury ['trezəri] Министерство финансов (в Англии), Казначейство (в США)

to enable давать возможность (или право)

thoroughly ['θʌrəli] тщательно, основательно

clause пункт, статья

commissioner уполномоченный, комиссар

to specify ['spesɪfɪ] точно определить, устанавливать

Exercise 15 Read and translate the words:

sovereign

sovereignty

enactment

successor

supreme

controversial

particular

similar

application

apure

royal

personal

Exercise 16 Match and translate the synonyms:

to repeal	to apply
to specify	to translate
to require	to state
to declare	to review
to draft	to announce
to observe	to need
to reconsider	to prepare

Exercise 17 Read and translate these combinations of Nouns:

report stage	crown court
committee stage	family law
magistrate court	company law
county court	probation officer

Exercise 18 Match the English and Russian equivalents:

to any extent	быть у власти
to be of no effect	соблюдать правила
to be in power	особым образом
to be of general application	в различной степени
to be bound	косвенно
to observe rules	не возмещать действия
in a particular way	быть широко применимым
by implication	быть обязанным

Exercise 19 Choose the right Prepositions from the list, read and translate the sentences:

of, to, through, in, by, after

- 1 The first step ... legislation is the drafting ... the bill.
- 2 This process requires the services of lawyers who are attached ... the Treasury.
- 3 The Bill passes ... a few stages.
- 4 ... the third reading ... the House of Lords, the Bill is sent ... the House of Lords.
- 5 The Royal Assent may be given... the Queen personally.
- 6 Or it may be given ...three Lords Commissioners.

Exercise 20 Translate into English:

- 1 более того _____
- 2 нет такой организации, которая может ... _____
- 3 обязательный для тех, кто ... _____
- 4 принимать и отменять законы в любой их части _____
- 5 закон, принятый парламентом _____
- 6 законодательный акт можно определить как ... _____
- 7 мы можно сравнить следующим образом _____

Exercise 21 Read and translate the sentences paying attention to the word *once*:

В законопроекты проходят через семь стадий перед тем как закон.

Once the bill is passed, all the drafts are invalid.

После того как закон принят, все его законопроекты теряют силу.

- 1 Once drafted, the Bill passes through the following stages.
- 2 Once signed, the document is sent to the Head Office.
- 3 Once translated, the articles are reviewed by experts.
- 4 Once appointed, the clerk starts his work the next day.
- 5 Once stamped, the certificate is returned to the graduate.

Exercise 22 Read and translate the sentences paying attention to the Perfect Participle:

В палатной пети, кроме активной конструкции и прошедшего времени, употребляются конструкции причастия (Perfect Participle):

Having passed the House of Lords, the Bill is ready for the Royal Assent.

После принятия закона Палатой лордов он должен получить королевское одобрение.

- 1 Having considered all the details, the Committee returns the Bill to the House of Commons.
- 2 Having discussed the expenses, the Company approved the project.
- 3 Having visited the Company, they signed the Protocol.

- 4 Having made the statement, they turned to the notary.
- 5 Having finished the course, he joined the Bar.

Exercise 23 a. Write a plan of the text.

b. Retell the text accordingly.

c. Present the table showing the difference between statutes and judgements.

The following may be of help:

First, ...

Secondly ...

It is of great importance.

We should not forget ...

There are many ... that testify to ...

Textbooks

The first important work on the English common law was Glauville's *Tractatus de Legibus et Consuetudinibus Angliæ*, produced in the twelfth century. This work was followed by Bracton's *De Legibus Consuetudinibus Angliæ*, written in the thirteenth century, and described by Maitland as 'the crown and flower of English medieval jurisprudence'. It contained references to decided cases.

Later works included Littleton's *New Tenures* (1481), Sir Matthew Hale's *History of the Common Law and Pleas of the Crown*, which appeared in 1730, Sir Edward Coke's *Institutes* (1628—41), Sir William Blackstone's *Commentaries* (1765), and Sir Michael Foster's *Crown Law* (eighteenth century).

The above works and a few other early works written when law reporting had barely begun, are accepted as books of authority and therefore as an original source of common law.

The modern textbook is not a source of law, and not a book of authority. However, such works may have persuasive authority: counsel may adopt the view of a distinguished academic writer and the court may accept that view of the law. In this way the writer is influencing the law. Works by Cheevers, Dooey, Winfield, Selmond, Williams and Smith and Hogan have often been referred to in this way, particularly on points which are not

covered by authority or where there is some doubt about the authority. As Mr R.J. Walker has commented, 'On the whole the persuasive authority of a standard textbook is of considerable weight.'

Similarly articles in legal journals such as the *Criminal Law Review*, the *Law Quarterly Review* and the *Cambridge Law Journal* have been referred to in the courts.

Vocabulary

alone [ə'laʊn] единственный
to accept [ək'sept] принимать, соглашаться с
to distinguish различать, отмечать
to doubt [daʊt] сомневаться в
to compensate one's self компенсировать что-либо
on the whole в целом; whole целиком
to weigh [wei] весть; weight [wei] вес

Exercise 24 Choose the right variant, read and translate the sentence:

- 1 The first important work (wrote, was written) in the twelfth century.
- 2 The other significant work (published, was published) a century later.
- 3 They (call, are called) 'the crown and flowers of English medieval jurisprudence'.
- 4 All these works (accepted, are accepted) as books of authority.
- 5 Articles in certain legal journals (have referred, have been referred) to in the courts.
- 6 He (referred, referring) to the Cambridge Law Journal.
- 7 What reference (did, do) he make?

Exercise 25 Translate into English:

- 1 содержать ссылки на судебные дела, по которым приняты решения _____
- 2 более поздние работы _____
- 3 работы, которые появились в _____
- 4 более ранние работы _____
- 5 когда законлся для только-только начинался _____

6 Современные учебники не являются источником права.

Exercise 28 a. Answer the following questions:

- 1 What first works contained reference to decided cases?
- 2 What works are considered an original source of common law?
- 3 Why does the text say that the modern textbook may have persuasive authority?
- 4 In what cases are contemporary academic writers referred to in court?
- 5 Are articles published in certain legal journals also of considerable weight?

b. Sum up the text in two or three sentences.

Local customs

A local custom is a usage or rule which has gathered the force of law and is binding within a defined area upon the persons affected thereby. Common examples are local right of way or rights of common.

The onus of proof of a local custom rests on the person claiming that such a custom exists. Judicial recognition will be given and the custom will be enforced if it is:

- a) Reasonable.
 - b) Certain as to the subject-matter of the right, the person benefited by it, and the locality.
 - c) Local, in the sense that the custom must be applicable to a district known to law, e.g. a parish, manor, orshire.
 - d) Of immemorial existence, with the commencement of legal memory in 1189, the first year of the reign of Richard I. Because of the difficulty of proving this, courts presume that the custom existed then unless there is clear evidence of the contrary.
 - e) Peaceably used.
 - f) Continuously observed.
 - g) Compulsory.
 - h) Not contrary to any statute.
 - i) Consistent with other customs and not contrary to them.
-

Vocabulary

usage [ˈjuːsɪdʒ] использование, употребление

to gather собирать

right of common право совместного пользования (общественным имуществом, общественной землей)

owe [ˈəʊ] брать, ответственность, долг

recognise признавать

refugee-refugee тень, убежище, приют

parish церковный приход; (гражданский) округ (Am).

estate (феодалное) поместье

share [ʃeə] участие

contingent liability начало, наступательная часть обязательного акта; contingent liability of action (Am.) подана иск

the contrary противное, противоположное; consistent последовательный, соответствующий

contradictory [ˌkɒntrəˈdɪktɔri] противоречивый

Exercise 27 a. Read and translate the words:

area

to affect

thereby

therein

compulsory

beneficial

applicable

continuous

reasonable

observed

immemorial

country to law

b. Read and translate the words having the same roots; add a few other words:

local

location

locality

to use

usage

user

to rule

rule

ruling

to define

definition

definite

Exercise 28 a. Translate into English:

1 приобрести силу закона _____

2 на определенной территории _____

3 быть обязательным к исполнению _____

4 если нет точных доказательств о прошлом _____

5 быть в соответствии с другими обычаями _____

6 местные обычаи и традиции _____

b. Answer the following questions:

- 1 What are the common examples of local rights in England?
- 2 On what conditions will the custom be enforced?
- 3 What date is considered to be the commencement of legal memory in England?
- 4 Is immemorial existence easy to prove?
- 5 What factors are usually considered to presume that the custom is of immemorial existence?

Exercise 28 a. Write an essay on one of the topics:

- 1 Are local customs considered the most important legal source?
- 2 Judicial precedents and decisions of court
- 3 Statutes and judgements
- 4 Legal sources in other legal systems

b. Present your essay as a report to your group-mates.

Section 4 Speaking English

Customs

After the sessions at Davies's School of English

Ann: Can we cross the street now?

Tom: Yes, certainly. The light is green. We can safely cross the street now. The traffic lights are similar in all countries, to my mind.

Ann: As far as I know they are. And the zebraes are similar too.

Tom: Do you mean street-crossings marked with broad white stripes?

Ann: Yes, to my mind, at such crossings pedestrians have priority over traffic. But I've noticed a very interesting thing. People usually wait for the green light to cross the street.

Tom: But I noticed another curiosity. Why do people gesture to thank motorists who stop, as the law requires, at zebra crossings?

Ann: Because of an in-bred pedestrian inferiority complex. But I don't think there is much harm in it.

Exercise 30 a. Read the words paying attention to the sound [h] which should be very light:

to have
harm

hierarchy
hostile

however
hospitality

he
him
her

hostility
host
hostess

home
horse
hops

b. Read the sentences paying attention to the intonation:

- 1 Pedestrians have pri[\]ority.
- 2 Do they always have pri[/]ority?
- 3 There isn't much [\]harm in it.
- 4 I don't think there is much [\]harm in it.
- 5 I didn't mean any [\]harm.
- 6 He didn't mean any [\]harm, [/] did he?
- 7 Where is he [\]now?

c. Reproduce the talk.

d. Write an extensive answer to this question:

Is the talk in any way related to right of way and local customs?

Section 5 Annotation of the book

Lear's Little

(Annotation of the book of Neil Komesar, University
of Wisconsin, Madison)

What law is can be determined by the character of the institutions that make, interpret and enforce law. The interaction of these institutions moulds the supply of, and demand for, law. Focusing on this interaction in the context of US property rights law and the debates about private property and the rule of law, Komesar paints an unconventional picture of law and rights shifting and cycling as systematic factors, such as increasing numbers and complexity.

This strain produces tough institutional choices and unexpected combinations of goals and institutions. It also frustrates the hopes for courts, rights and law embodied in notions such as the rule of law and constitutionalism.

Although there may be an important role for law, rights and courts both in the US and abroad, it cannot be easily defined. This book proposes a way to define that role and to reform legal education and legal analysis.

Vocabulary

conventional обычный, принятый, традиционный; unconventional
 необычный, нетрадиционный
 to cycle [saikl] совершать цикл; cyclical crime циклическое преступление
 complexity сложность, запутанность
 strain напряженность
 tough [taʊ] жесткий, трудный
 goal цель; legislative goal цель законодателя
 to frustrate [frʊ'streɪt] срывать, распространять
 to embody воплощать; вводить в обиход
 nation [naʊʃn] государство; legal nation государственное правосудие

Exercise 31 a. Add the correct letters, read and translate the words:

to dete...mine	conf...lit	to unfor...e
to r...form	ch...aracter	is...stem
to foc...s	habit...tion	cond...tion
to inte...pret	anal...sis	co...stem

b. Translate into English:

- 1 определять, что есть закон _____
- 2 применять закон _____
- 3 фокусировать предложение и спрос _____
- 4 уделять основное внимание _____
- 5 закон, возможно, играет важную роль _____
- 6 как в США, так и в других странах _____
- 7 определять роль _____

Exercise 32 a. Write out the sentence which starts with the words
Focusing on this interaction...

b. Underline the principal clause in it.

c. Answer these questions:

1. What is its subject?
2. What is its predicate?

d. Translate the sentence.

e. Translate one more sentence of your choice.

Section 6 Illustrations

Examples of cases

1 Mercer v. Danne (1905)

Defendant owned part of a beach and proposed to erect houses thereon. Local fishermen sought to stop him by claiming that they had a local customary right to dry their nets on the land. Witnesses proved that the custom dated back for some seventy years and reputedly earlier. This raised the presumption of antiquity. Held: that the defendant must not build the houses on the land: the local customary right was upheld.

2 Dashwood v. Magniac (1891)

A had devised an estate to B with 'a power to cut timber for the repair of the estate'. Evidence was admitted to show that trees were included in the term 'timber' in the locality. Held: that 'timber' included beech in addition to the usual meaning of oak, ash, and elm.

Vocabulary

у (вариант Lat.) против (использ. в юридических документах для приобщения сторон к процессу)

to seek (sought, sought) искать, унаследовать

репуте [п'эп'ит] общее мнение; репутация; by repute в силу всеобщей известности; reputed известный

timber лес, древесина

Exercise 33 a. Answer the following questions:

1. What land did Mr Mercer own?
2. What did he want to construct on the land?
3. Who opposed his plan?

- 4 What did the witnesses prove?
- 5 Who were the witnesses, to your mind?
- 6 What was the decision of the court?

b. Sum up the cases.

Exercise 34 a. Say who won the second case quoted.

b. Mark the meaning in which these words were used in the text of the case:

to devise	защелить невинность изобретать
-----------	-----------------------------------

power	власть дворян способность, право, полномочие, компетенция
-------	---

c. Match the equivalents:

oak	береза
beech	ель
ash	липа
elm	ель
maple	клен
fir-tree	осина

d. Say what actions could follow the decision of each case.

The following may be of help:

To my mind, in the first case...

Most probably...

I would say...

- Section 1: *Grammar* The Passive Infinitive
 Section 2: *Word formation* Suffixes of nouns
 Section 3: *Texts*
 1 Definition of crime
 2 Criminal liability
 3 Offences
 4 Economic crimes
 Section 4: *Speaking English* Frauds
 Section 5: *Newspaper items* Foreign tax fraud is within reach of US law, says court
 Section 6: *Illustrations* Examples of cases

Section 1 Grammar

The Passive Infinitive (Пассивный инфинитив)

1 Пассивный инфинитив образуется с помощью вспомогательного глагола *to be* и причастия прошедшего времени смыслового глагола:

to be written, to be asked, to be convicted.

Пассивный инфинитив отвечает на вопрос *что делается, что должно и обещано*, что должно совершиться над лицом или предметом.

2 Пассивный инфинитив выполняет в предложении следующие функции:

(1) часть главного сказочного предложения

She wanted to be treated.

Она хотела, чтобы ей сделали.

The work must be completed tomorrow.

Работа должна быть закончена завтра.

Начиная с 1960-х годов, во английском языке всё чаще пассивный инфинитив употребляется без частицы *to*.

(2) части составного сказуемого

He was happy to be married.
Он был счастлив, что его женили.

(3) определения

She had no reason to be offended.
У нее не было причин обижаться.

3 Пассивный инфинитив употребляется чаще:

(1) в составе сложного дополнения:

He expected the minister to be promoted next month.
Он считал, что министр получит в следующем месяце.

(2) в составе оборота «неизбежный вывод о пассивном»

He is certain to be appointed.
Он обязательно получит это назначение.

(3) в составе самостоятельного инфинитивного оборота

They planned to go to court, the trial to be held two days later.
Они планировали пойти на суд, процесс должен
был состояться через два дня.

Exercise 1 Read and translate the sentences paying attention to the Passive Infinitives:

- 1 Certain criminal offences must be reported to the Attorney General.
- 2 His consent is necessary before criminal proceedings may be taken in certain cases.
- 3 A solicitor cannot be compelled to disclose the client's communications in court.
- 4 Solicitors may be consulted about many non-legal matters.
- 5 The Senate can be regarded as the governing body of the Bar.
- 6 The difference may be summarized very easily.
- 7 He could be forced to take dictation from his opponents.

Exercise 2 Use the Passive Infinitives, read and translate the sentences:

- 1 The Treason Act is still good law and it may (to involve) today despite its age.
- 2 Some laws can (to abolish) and (to restore) later.
- 3 State power shall (to exercise) on the basis of its division into legislative, executive and judicial branches.

- 4 Morality prescribes what should and what should not (to do).
- 5 Natural law theories suggest that law should (to root) in a moral system.
- 6 I'm afraid nothing can (to do) now to help her.
- 7 Everybody expected him (to elect).

Exercise 3 Complete, read and translate the sentences:

- 1 A new nomination could be announced ...
- 2 The differences between the two branches of the profession may be summarized ...
- 3 Everybody wanted him to be granted ...
- 4 They expected the meeting to be adjourned ...
- 5 There was no reason to be ...
- 6 He didn't want to be ...
- 7 She can be ...

Exercise 4 Use the right form of the infinitives and translate the official note from the boss to a group of workers in an office:

Memorandum from Mr Bransless (Managing Director)

To: All staff

Date: The third of May, 2008 **Reference:** 04057/DC

May I (to remind) you that all new laboratory equipment should (to register) with Stores and Supplies, Room 354 (extension 2683). Please note: new items must (to notify) before five o'clock in the afternoon on the last day of the month of purchase, that is, within the current budgeting month. All account numbers must (to record).

Exercise 5 Translate into English:

- 1 Это письмо необходимо зарегистрировать сегодня.
- 2 Разрешите напомнить вам о совещании, которое начинается через 15 минут.
- 3 Вам необходимо сообщить о переносе даты собрания.
- 4 Срок действия лицензии может быть продлен.
- 5 Мы надеемся, что они будут вознаграждены за свой труд.

Exercise 6 Have a look at this funny picture and translate the words given below:



'Damn it, Brodner, it seems to me your time could be better spent than by consolidating all your little notes to yourself into one big neat one!'

Section 2 Word formation

Suffixes of Nouns

Образование существительных от других частей речи — глаголов и прилагательных — может происходить с помощью суффиксов. Наиболее часто употребляются следующие суффиксы:

-er/ -or	to work	worker
	to promote	promoter
-er	to trust	trustee
-ant	to defend	defendant
-or	to suit	suitor
-ion	to separate	separation
-ment	to judge	judgment
-ry	to bribe	bribery
-al	to approve	approval
-ism	to free	freedom
-ion	just	justice
-ology	criminal	criminology
-ance	important	importance
-ty	proper	property
-ship	citizen	citizenship

Exercise 7 a. Write the words from which these Nouns are formed:

offender	_____	solicitor	_____
researcher	_____	inventor	_____
teacher	_____	elector	_____

driver _____	tutor _____
supporter _____	supervisor _____
writer _____	shopper _____
lawyer _____	customer _____

b. Form and translate Nouns:

to direct _____	to interpret _____
to strategize _____	to report _____
to read _____	to act _____
to rule _____	to provide _____

Exercise 8 a. Read and translate the words paying attention to the suffixes:

employer	—	employee
payer	—	payee
licenser/licensor	—	licensee
applicant/appellant	—	appellee

b. Complete the table, read and translate the words:

verbs	person-nouns	actions / abstract nouns
to prosecute	prosecutor	prosecution
to own	owner	ownership
to detect	detective	detection
to serve	servant	service
to elect	elector	election
to preside	president	presidency
to murder	murderer	murder
to legislate	...	...
...	...	dictatorship
...	informant	...

Exercise 9 a. Write the words from which these Nouns are formed:

incorporation _____	provision _____
taxation _____	division _____

regulation _____	confidence _____
administration _____	efficiency _____
institution _____	difference _____
foundation _____	violence _____

b. Form Nouns with the help of the suffix *-ment* and translate them into Russian:

to enforce _____	to intend _____
to punish _____	to achieve _____
to manage _____	to govern _____

c. Write the words from which these ones are formed:

precedent _____	injury _____	redundancy _____	removal _____
criticism _____	horrors _____	sociology _____	psychology _____

Section 3 Texts

Definition of crime

Criminal law is concerned with conduct which the State considers should be punished, whereas civil law is concerned with private rights. A crime may be regarded as a public wrong; but conduct which is harmful to the public is not necessarily criminal.

'Crimes, then, are wrongs which the judges have held, or Parliament has from time to time laid down, and are sufficiently injurious to the public to warrant the application of criminal procedure to deal with them.' (Smith and Hogan)

Immoral conduct is not necessarily criminal; but conduct which would not be regarded as immoral may be criminal on grounds of social expediency.

'The domain of criminal jurisprudence can only be ascertained by examining what acts at any particular period are declared by the State to be crimes ...' (Lord Allén)

This means that crime can only usefully be defined by reference to procedure: 'A crime (or offence) is a legal wrong that can be followed by criminal proceedings which may result in punishment.' (Granville Williams)

Many criminal offences were originally created by the common law courts and the definition of some of these offences are to be found even today only in case law, e.g. murder, involuntary manslaughter, common assault.

Vocabulary

have spelt; harmful вредный

injustus ['ɪndʒʌstɪs] несправедливый, несправедливый, оскорбительный

to sustain ['səʊneɪn] 1) подтверждать, ручаться, гарантировать;
2) служить основанием, оправданием; sustain 1) признать, оправдать, предположить; 2) поддерживать, поддерживать

expediency [ɪk'spi:diənsi] целесообразность

diminish обесценить, осквернить, уменьшить

to ascertain устанавливать, удостоверять

voluntary ['vɒləntəri] добровольный, сознательный; involuntary непроизвольный, неумышленный

Exercise 10 a. Read and translate these words:

whereas

wrong

immoral

assault

procedure

offence

proceedings

to conduct

manslaughter

conduct

elector

murder

b. Add the missing letters, read and translate the words:

harmf...l

inj...rious

immor...l

necess...ry

pro...dur

crim...nal

suffic...ent

acc...al

orig...nal

invol...ntary

...psychology

useful...y

Exercise 11 a. Match the English and Russian equivalents:

whereas

from time to time

on grounds of

at any particular period

originally

в любой определенный период

первоначально

в то время как

время от времени

по причине, на основании

b. Write what Parts of Speech the words in *italics* are, read and translate the sentences:

- 1 A *crime* may be regarded as a public wrong.
- 2 *Crimes* are wrongs which the judges have held.
- 3 *Crimes* are wrongs which Parliament has laid down.
- 4 A *crime* is a legal wrong that can be followed by criminal proceedings.
- 5 A *crime* is a legal wrong which may result in punishment.
- 6 It was *wrong* of the boy to borrow the book without asking her permission.
- 7 That was a *wrong* answer.
- 8 Can you prove that I am *wrong*?
- 9 It is *wrong* to lie.

Exercise 12 a. Write a few sentences using the following:

criminal law	offences
civil law	to be concerned with
case law	may be regarded as
crimes	should be punished

b. Translate into English:

- 1 правосудие, правосудно _____
- 2 непреднамеренное убийство _____
- 3 область, сфера _____
- 4 деяния _____
- 5 со ссылкой на _____
- 6 уголовная судебная практика _____
- 7 рассмотрение уголовных дел в суде _____

Exercise 13 a. Write out all the definitions of crime from the text.

b. Say which of them is the most explicit, to your mind.

c. Translate this definition:

Criminal law is the body of law that defines the public wrongs that are punishable by the state and establishes methods of prosecution and punishment. It is distinct from civil law, which deals with legal relationships between individuals (including organisations).

Criminal liability

Almost all common law offences and serious statutory offences require two elements, *actus reus* and *mens rea*; in the words of the Latin maxim: *actus non facit reum nisi mens sit rea*.

The easiest way to understand these elements is to think of *actus reus* as the physical act, and *mens rea* as the intent to do that act. Some offences are satisfied with negligence instead of *mens rea*. Many minor statutory offences require proof only of the *actus reus*: these are called strict liability offences. In addition, a person may sometimes be vicariously liable in criminal law for the act and even *mens rea* of another person. Lastly a corporation, a non-human, may be held personally liable for acts of its directors or servants.

Actus reus is the prohibited act which is necessary for all crimes and is to be found in the definition of the crime. Professor Glenville Williams defines *actus reus* as 'the conduct that is forbidden by the rule of the criminal law on the assumption that any necessary *mens rea* is found to exist ... with the external elements of the offence, including the negative of defences'.

The following may amount to conduct:

- (a) A physical act, e.g. a blow.
- (b) Words, in strict offence as incitement, conspiracy, blackmail; and where the words induce an act by an innocent agent.
- (c) An omission, where there is a legal duty to act either at common law, or by statute, or by undertaking, e.g. a parent has a duty to provide food and medical attention for his or her children.
- (d) Possession, e.g. drug offences.
- (e) A state of affairs, e.g. 'being found in a dwelling house for an unlawful purpose'.
- (f) Conduct of others in vicarious liability.

If the conduct is not willed by a person it will not count as his or her act, e.g. where A is pushed by B into C, it is not A's act. Similarly, the conduct of a sleepwalker in his or her sleep is not willed conduct.

Mens rea consists of intention or recklessness. It is necessary to distinguish them since some crimes require nothing less than intention, e.g. attempt and wounding with intent under section 18 of the Offences Against the Person Act 1861 (Bellon, 1976).

Vocabulary

liability [ˈliəˈbɪlɪti] ответственность
active **liens** (Lat.) противоправное действие; правонарушение
show **one's** (Lat.) виновная воля; вина
without **criminality** невиновный, приговор невиновного, приговор поспешности
intent [ɪnˈtɛnt] намерение
proof **discrepancy**; to **prove** [pruːv] доказывать
vicarious заместительский, действующий по полномочию, действующий
вместо другого
to **forbid** (forbade, forbidden) запрещать; to **forbid** utterly полностью
запретить
attempt [əˈtɛmpt] предпринимать
to **attempt** составлять, равняться
blow удар; **heavily** **blows** любов, избиение
incriminate [ɪnˈkrɪmɪneɪt] оклеветать (к преступлению)
conspiracy [kənˈspɪrəsi] сговор, заговор
blackmail шантаж
to **blackmail** [blʰɛɪk] подбуждать, склонять, возмущать
reckless безразличный
dwelling house жилой дом, жилище
to **count** считать, подсчитывать
similarly так же, подобным образом
reckless бесприсудный, опрометчивый, дерзкий; **recklessness** бесприсудность, опрометчивость, дерзость
to **dispute** [dɪˈspuːt] развешать, отыграть, отыграть

Exercise 14 a. Read and translate the words:

offence	to require	physical
negligence	to prohibit	innocent
suicide	to provide	to conduct
arrest	to possess	to undertake

b. Read and translate these word combinations:

criminal liability	vicarious liability
to be liable to duty	to be held personally liable for
to be liable for the act	some acts
to be vicariously liable	some proofs

Exercise 15 a. Match the English and Russian equivalents:

common law offences
serious statutory offences
actus reus
mens rea
with intent

преднамеренно
правонарушения по общему праву
внешнее действие
серьезные правонарушения
намеренная воля

b. Translate into Russian:

strict liability offences — serious statutory offences

c. Add the synonyms and antonyms of these Adjectives:

<i>Adjectives</i>	<i>synonyms</i>	<i>antonyms</i>
easy	simple	difficult
major	main	minor
strict	rigid	flexible
legal	...	illegal
innocent	...	guilty
necessary	obligatory	...
negligent	careless	...

Exercise 16 Choose the right Prepositions from the list, read and translate the sentences:

by, with, by, for, of, at

- 1 Some offences are committed ... negligence.
- 2 These words induced an act ... an innocent person.
- 3 There was a legal duty to act ... common law.
- 4 There was a legal duty to act ... statute.
- 5 In this case there is legal duty to act ... undertaking.
- 6 He was found in a dwelling house ... an unlawful purpose.
- 7 Mens rea consists ... intention or recklessness.

Exercise 17 Choose the right form of the Verb, read and translate the sentences:

- 1 These offences (are required, require) two elements: actus reus and mens rea.
- 2 In other words, actus reus (is, is) the physical act, and mens rea (is, is) the intent to do that act.

- 3 Many minor statutory offences (*are required, require*) proof only of the *actus reus*.
- 4 Such offences (*are called, called*) strict liability offences.
- 5 A person may sometimes (*to be, be*) vicariously liable for the act of another person.
- 6 *Actus reus* is (*to find, to be found*) in the definition of the crime.
- 7 Some crimes (*be required, require*) nothing less than intention.

Exercise 18 a. Translate into English:

- 1 рассматривать некие по некоторым правонарушениям с определенной долей небрежности _____
- 2 требовать доказательства виновного деяния _____
- 3 нести ответственность _____
- 4 это не будет считаться деянием _____
- 5 неумышленно _____
- 6 подобным образом _____
- 7 в соответствии с пунктом _____

b. Write a composition on one of the topics and present it to your group-mates:

- 1 *Actus reus*
- 2 *Mens rea*

Offences

(a) Offences against persons

Homicide, the killing of a person, may be lawful if it is done for self-defence or prevention of violence or if it is accidental, i.e. without *mens rea* or negligence.

The forms of unlawful homicide are murder, manslaughter, infanticide and causing death by reckless driving, malicious wounding, administering poison, sexual offences, etc.

(b) Offences against property

Theft, robbery, burglary, removal of articles from places open to the public, taking a motor vehicle or other conveyance without authority, dealing in stolen property, blackmail, forgery, larceny, etc.

(c) Road traffic offences

Offences under the Road Traffic Acts are construed strictly unless *mens rea* is expressed or implied or the offence is one of the *negligences*. Some of the offences are: careless driving, inconsiderate driving, dangerous driving, causing death by dangerous driving, driving under the influence of drink or drugs, etc.

(d) Terrorism

(e) Violence or disorder at matches

(f) Computer misuse.

Vocabulary

homicide ['hɒmɪsaɪd] убийство человека жизни

violent насильно, оскорбление действием, **criminal** уголовное преступное насилие

accidental случайный

malicious [mə'liʃɪəs] злобный, злоумышленный

fight крик; **riotous** (fight) крик лютого изумления, **harm** (fight) мольба крика

robbery разбой, грабёж с насилием (или разбой)

burglary ночная кража со взломом

assault [ə'sɔ:lt] оскорбление, утрата лица, ударение

vehicle дорожно-транспортное средство

conveyance транспортное средство

to steal (steal, stolen) красть, **to steal with**. **from** with. украсть что-то у кого-то; **steal** кража, воровство; краденое

forgery ['fɔ:dʒəri] подделка или подделка документов

breach нарушение: нарушение другого лица (обычно с применением силы), посягательство (на лицо, собственность, закон)

to construe [kən'stri:ʊ] толковать (правовую норму, закон, договор)

indispensable необходимый

Exercise 19 a. Read and translate these words:

self-defence
prevention

to cause
death

infanticide
wounding

murder
manslaughter

reckless
property

expedientcy
to ascertain

b. Read and translate these word combinations:

- 1 to administer poison _____
- 2 without authority _____
- 3 to deal in stolen property _____
- 4 to be expressed or implied _____
- 5 under the influence of drink or drugs _____
- 6 violence at matches _____

Exercise 20 a. Add the missing letters, read and translate the words:

homi...ide
th...eft
b...urglary
blackm...il

robb...ry
tra...pass
viol...ace
diso...der

for...ery
mis...o
unl...wful
pos...es...in

b. Use the Preposition of where necessary, read and translate these word combinations:

the killing ... a person
causing ... death
administering ... poison

taking ... a motor vehicle
driving ... a car
suffering ... these offences

Exercise 21a. Combine these words and translate the word combinations:

reckless
malicious
driving under
dealing in

stolen property
driving
wounding
the influence of drugs

b. Say what the difference between these terms is:

reckless driving — careless driving — inconsiderate driving — dangerous driving

Exercise 22 a. Match the terms and their definitions:

murder
shoplifting
burglary

stealing something from a shop
stealing from someone's home
taking something illegally into another country

smuggling	killing someone
arson	using violence for political ends
kidnapping	threatening to make a dark secret public in order to get money
verrodam	buying and selling drugs
blackmail	to try to pass off a copy as the real thing
drug-trafficking	physical attack on another person
forgery	stealing from someone's pocket or handbag
assault	setting fire to something in a criminal way
pickpocketing	taking a person hostage in exchange for money or other favours
mugging	attacking someone, often on the street, generally to get money

b. Present the above table to your group-mates.

Economic crimes

Economic crimes include false accounting, false statements, suppression of documents, money laundering, corruption, frauds etc.

During a research carried out by TRANSCRIME on corruption in the fifteen European Union countries, the following six main patterns of corruption and different patterns of criminal responses to corruption were outlined:

- Systematic corruption (Italy, France, Spain and Belgium)
- Emerging systematic corruption (Germany and Greece)
- Sporadic corruption (Ireland, Austria and Portugal)
- Casual corruption (the Netherlands, Finland, Denmark and Sweden)
- English corruption (United Kingdom)
- Managing others' corruption (Luxembourg).

With reference to legal responses the main criteria used for this analysis were:

- the definition of the crime of corruption
- the distinction between passive and active corruption
- the definition of passive and active subjects involved in the crime of corruption; and
- sanctions.

The results show that there is less homogeneity with respect to the definition of the crime of corruption. The differences in definition are related to the fact that corruption takes on different forms in the various European countries, depending on each cultural and social context. It is important to study the cultural background of the various countries in order to discover the consistent elements of corruption and thus to adopt the most effective preventive measures.

For instance, when referring to 'corruption prone environment' in Italy, we are talking about a phenomenon that is deeply rooted in the cultural tradition of Italian society, in the sense that corrupt activities are practiced and accepted by normal citizens.

The penal codes of the United Kingdom and Germany envisage various levels of corruption crimes (misdemeanours or felonies), according to the position held by the actor. Another distinction is related to the nature of the corruption act, in that it may be linked with, or contrary to the functional role of the actor.

In the case of the passive receipt of a bribe by a public official in order to speed up a service for which he or she is competent, the penalty of a fine is envisaged.

On the other hand, a public official who authorises the issuance of a licence although this is not under his or her competence, is committing an offence. In Austria (Article 304, paragraph 10), Denmark (Article 144), Finland (Article 40), Germany (Article 33), the Netherlands (Article 363) passive corruption involving abuse of the public function is punished with a higher penalty than in the case of corruption that does not involve the abuse of a public function.

Vocabulary

false [fals] ложный, фальшивый, поддельный; **false fact** фальшивый факт

accounting бухгалтерский учет

suppression подавление, запрещение, сокращение

money laundering отмывание денег

deal [fi:rd] обмен, сделка, договор

political models, systems
 to emerge [i'noʊdʒ] появиться, возникнуть; возникшее время, появлe-
 ние
 profile: единичный, случайный
 same [tʰeɪm] случайный, непредсказуемый, нерегулярный
 criterion (kri'tiəriən) критерий; pl. criteria
 transparency прозрачность
 with regard to что касалось
 to be related to относиться к
 prove основный; contrast prove соотносился с фактами коррупции
 environment (en'vaɪrənmənt) окружения среда, окружение обста-
 новки; ad instance
 penal code уголовный кодекс; penal clause статья закона, упомина-
 ющая санкции
 misdemeanour [mi'si:dnəʊə] правонарушитель (категория наименее опас-
 ных преступлений, граничащих с административными правона-
 рушениями)
 felony тяжкое уголовное преступление
 contrary to with противоположный кому-либо: on the contrary наоборот
 to lock up закрыть клетку кому-либо; lock down; felony conviction
 to speed up ускорить
 instance ['ɪnstəns] выдана (документ)

Exercise 23 a. Write out the following from the text:

- 1 The types of economic crimes.
- 2 The main patterns of corruption in the EU countries.
- 3 The main criteria used by TRANSCRIME for the analysis.
- 4 The in correlation between corruption and cultural background of the countries.
- 5 English corruption.

b. Use the correct Articles where necessary:

- 1 It concerned ... Austria, ...Germany, ... Netherlands, ... United Kingdom and ... other eleven countries which were members of ... European Union at that time.
- 2 ... Corruption takes on ... different forms in ... various European countries.
- 3 ... penal code of ... UK envisages ... various levels of ... corruption crimes.

- 4 In the case of the passive receipt of ... bribe by ... public official, the penalty of ... fine is envisaged.
- 5 A public official who authorises the issuance of ... licence outside his competence is committing ... offence.

c. Retell the text.

Section 4 Speaking English

Frauds

Here is an extract from a press conference where the District Attorney of the State of Florida, USA answers the questions about various frauds

Question: If someone gives me a check for service or merchandise and it later turns out to be worthless because of NSF, Account Closed, etc. What do I need to make a criminal police report?

Answer: If the goods or service change hands at the same time as the check is passed, and the check is in the amount of \$150 or more in order to initiate a police report you will need to

- 1 send a notice of dishonoured check form to the last known address of the person who gave you the check, either certified or registered mail return receipt requested.
- 2 have identified the person who rendered the check, this is your responsibility as the recipient of the check.
- 3 Be willing to give a sworn statement and testify in a court of law regarding the incident.

Question: What if the amount is less than \$150?

Answer: The giving of a worthless check in an amount of less than \$150 is a misdemeanor crime. It is not necessary to make a police report.

Question: Should I forget it then?

Answer: My answer is quite official. But you may call the State Attorney Office in the county where you reside for the answer, I must say.

Vocabulary

district attorney (Am.) районный прокурор

merchandise **товар**; **stolen merchandise** похищенный товар

worthless ['wɜ:θləs] ничего не стоящий, бесполезный

NST (not sufficient funds) не достаточно денежных средств (отметка банка на банковском чеке без оплаты); необеспеченный чек

refuse **отказываться, отказываться**; **to give refuse to** отказывать кому-либо
to refuse **отказаться** **оплачивать**

to identify [aɪ'dentɪfaɪ] **устанавливать личность, приравнивать**

responsibility [rɪ'spɒnsə'bɪlətɪ] **ответственность**

to issue (issue, issues) **выдавать**; **to issue to a fact** **показать о факте**
под предлогом

to testify to sth **свидетельствовать о чем-либо**

regarding sth **о чем-либо, относительно чего-либо**

to reside [rɪ'zɪd] **жить (на постоянном месте)**

Exercise 24 a. Read the words paying attention to the sounds [ð] and [θ]:

worth

worthless

something

nothing

everything

these

worthy

the goods

the amount

the person

the last known address

the check

path

fifth

the recipient

the incident

third

thick

b. Read all the questions the journalists asked the District Attorney, paying attention to the intonation.

c. Sum up the answers of the District Attorney.

Section 5 Newspaper item

Foreign tax fraud is within reach of US law, says court
(Financial Times, January 2005)

The US Supreme Court ruled yesterday that people who defraud foreign governments of tax revenue can be prosecuted under US law –

a decision that could have big implications for the cross-border application of white-collar criminal law, legal experts said.

The case before the court touched a scheme to smuggle thousands of cases of liquor from the US to Canada, thereby defrauding the Canadian Government of millions of dollars in tax revenue. The justices ruled 5-4 to uphold the conviction of the men involved in the scheme under US wire-fraud law and rejected arguments that US courts should not enforce other countries' tax laws.

'It may seem an odd use of the federal government's resources to prosecute a US citizen for smuggling cheap liquor into Canada but the broad language of the wire fraud statute authorises it to do so,' Justice Clarence Thomas wrote for the majority.

Stephan Martz, director of the white-collar crime project at the National Association of Criminal Defence Lawyers, said the ruling 'clearly has some troubling implications for the extraterritorial application of US white-collar criminal law'.

Traditionally, courts of one country do not collect taxes for other countries. But the majority in the ruling said prosecuting the men in the US did not amount to a direct enforcement of foreign tax laws that would normally be frowned upon.

Vocabulary

to be within reach of быть в пределах досягаемости

to defraud [dɪ'frɔ:d] обманывать, мошенничать

tax revenue ('reɪvənju) государственные доходы от сбора налогов

odd странный; странность

smuggling бесконтрольный, контрабандный

Exercise 25 a. Translate into English:

- 1 полностью решение _____
- 2 уходить от уплаты налогов _____
- 3 преследовать в судебном порядке _____
- 4 иметь большое значение _____
- 5 вывозить без должного оформления дорогие
алкогольные напитки _____
- 6 не платить налогов _____

b. Translate into Russian:

- 1 white-collar criminal law
- 2 wire-fraud law

c. Answer the following questions:

- 1 What merchandise was smuggled from the USA, according to this newspaper item?
- 2 What quantity was in question?
- 3 What was the decision of the US Supreme Court?
- 4 Was it unanimous?
- 5 Did the decision mean extraterritorial application of US law?
- 6 What is the traditional legal policy in similar cases?

d. Sum up the information of the newspaper item.

Section 6 Illustrations

Examples of cases

1 Instan (1893)

A niece who had undertaken to look after her elderly aunt at her aunt's expense and failed to provide food and to call medical assistance when her aunt was seriously ill, was convicted of manslaughter.

2 *Devies v. O.D.P.* (1954)

The agreed purpose was common assault but the defendant had a knife and killed. The defendant's confederates were held not to be parties to the homicide.

3 *Smith* (1959)

The defendant stabbed another soldier in a fight. When being carried to the medical centre, the soldier was dropped twice by his comrades. The medical officer considered the wound to be superficial, whereas in fact it had pierced a lung, and consequently gave the wrong treatment. The defendant's conviction of murder was upheld on the ground that at the time of death the original wound was still an operating and substantial cause.

4 *Stowington* (1988)

The defendant went to his sister's firm to collect wages due to her. When the cashier refused to pay him on that day he obtained the

money by threatening the cashier with a knife. Held: not robbery because not theft since the defendant had a claim of right.

5 Yip Chieu-Chung v. The Queen (1988)

Yip Chieu-Chung was convicted of conspiracy to traffic heroin. He claimed that he did not have the necessary *mens rea* as his motive in agreeing to act as a courier was to bring the criminal gang to justice. The House of Lords rejected his claim by stating that his intention that the crime be carried out constituted the necessary *mens rea* and his motive was, therefore, irrelevant.

Vocabulary

confederate сообщник, соучастник; confederation сообщество, конфедерация

substantial [sʌb'stæʃ(ə)l] значительный

superficial поверхностный

to pierce пронзить, проколоть; piercing прокол, укол, пронзение

to threaten [θreɪtə] угрожать; threatening угрожающий

to seize seize задержать, взять

due [dju:] причитающийся; обор, жалов, повинность; due due просроченный

wage заработная плата

to constitute составлять, быть, являться, означать; to constitute

составить быть доказательством

Exercise 26 a. Answer the following questions:

- 1 Which of the cases seems most serious to you?
- 2 When was the judgement of that case?
- 3 How many accused people were found guilty in the five cases cited?
- 4 Do you think that all the decisions were fair?
- 5 Do you think that some cases could result in appeals?

b. Write out all the terms associated with the judgements of the courts.

c. Translate the texts into Russian.

- Section 1: *Grammar* The Perfect Infinitive
 Section 2: *Word formation* Suffixes of verbs
 Section 3: *Texts*
 1 The nature of a tort
 2 Damage and liability
 3 Capacity of person in tort
 Section 4: *Speaking English* Torts and languages
 Section 5: *Newspaper item* French students' riot over employers' law
 Section 6: *Illustrations* Examples of cases

Section 1 Grammar

The Perfect Infinitive (Перфектный инфинитив)

1 Перфектный инфинитив отвечает на вопрос *что сделано?* и обозначает совершённое действие. Перфектный инфинитив образуется с помощью вспомогательного глагола *to have* и причастия прошедшего времени глагола:

to have been written
to have been tried
to have been convicted

2 В предложении перфектный инфинитив выполняет функции:

(1) части составного глагольного сказуемого после модальных глаголов, при этом модальные глаголы имеют своё обычное значение:

(2) в вопросительных и отрицательных предложениях *can/can't* выражает вероятность совершённого действия

Can he have already come?
Неужели он уже пришёл?

He can't have already come.
 Не может быть, чтобы он уже пришёл.

(b) в утвердительных предложениях *may/might* означает вероятность совершения действия

He *may* have come.
Вероятно, он уже пришел.

He *might* have come.
Может быть, он уже и пришел.

(c) *must* означает уверенность в совершении действия

They *must* have seen those reports.
Они должны были уже увидеть эти бумаги.

(d) *need* означает отсутствие необходимости в уже совершаемом действии

You *need not* have copied this text.
Вам не нужно было копировать текст этого текста.

(e) *should, ought* выражают упрек, что действие не было совершено:

You *should* have told her the truth. / You *ought to* have told her the truth.
Вы должны были сказать ей правду.

(2) *must* совершенного совершенного.

He *is* happy to have visited so many interesting places.
Он счастлив, что посетил так много интересных мест.

3 Перфектный инфинитив употребляется также

(1) в составе оборота «наименительный падеж с инфинитивом»:

She *is* certain to have seen him somewhere before.
Она определенно где-то видела его раньше.

(2) в составе самостоятельного инфинитивного оборота

He left the office at 6.00, all the staff *to* have left at 5.30.
Он ушел из офиса в 6 час., а весь персонал ушел в 5 час.

Exercise 1 a. Underline the Perfect Infinitives; read and translate the sentences:

- 1 He must have completed the examination.
- 2 I can't find my pen. I must have left it in the office.
- 3 Ann must have posted the letter. It's not here now.
- 4 He must have given the best definition of the crime.
- 5 They are certain to have referred to this particular precedent.
- 6 We are lucky to have seen this document with our own eyes.
- 7 The results were announced at 10.00, all the votes to have been counted only in the early morning.

b. Translate into English:

- 1 Они должны были бы отменить эту инструкцию.
- 2 Не может быть, чтобы он ушёл вчера.
- 3 Неужели он тоже был причастен к этому делу?
- 4 Он определённо был не законным судя.
- 5 Ему следовало бы сказать все, чтобы предотвратить это неприятное происшествие.

Exercise 2 Read and reproduce these mini-dialogues:

- 1 — He wanted to prevent violence.
— He should have told the police about the plans of the youngsters.
- 2 — I don't have any free time any more.
— Well, you shouldn't have joined all those clubs.
- 3 — She says she saw Peter yesterday.
— She can't have seen him. He's on holiday in Spain now. I saw him off to the airport yesterday.

Exercise 3 a. Read and translate:

Bill Brown likes buying expensive antiques. Recently he went to a monthly show in London, where he bought an old plate. He thought he was very lucky to have found it. He took it to an expert to have it valued and there he was told that, unfortunately, the plate was worthless.

b. Read and retell:

Last Sunday, Julia got up early. She went jogging by the river and then she went home to have breakfast. When she arrived, there was a big bouquet of flowers on the doorstep. Julia was very much surprised. 'It can't have been Andy who sent them,' she thought to herself as she looked for the card. Just then, the telephone rang. That was Andy. 'Happy Birthday, Julia. Many happy returns of the day!' he said.

Then he asked her if she had received the flowers. Julia replied, 'Yes, thank you. You need not have bought them for me.' They agreed to meet for lunch later that day to celebrate Julia's birthday.

Section 2 Word formation

Suffixes of Verbs (Суффиксы глаголов)

Образование глаголов от существительных и прилагательных может происходить при помощи следующих суффиксов:

character	-ise (or -ize)	to characterize
modern		to modernise
simple	-ify	to simplify
broad	-en	to broaden
multiple	-y	to multiply
stimulus	-ate	to stimulate

Exercise 4 a. Write the words from which these Verbs are formed:

to subsidise	_____	to falsify	_____
to computerise	_____	to purify	_____
to realize	_____	to blacken	_____
to minimize	_____	to sharpen	_____
to privatise	_____	to ripen	_____

b. Form and translate the Verbs:

legal	_____	identity	_____	red	_____
local	_____	code	_____	sharp	_____
material	_____	unit	_____	wide	_____
popular	_____	couple	_____	length	_____
harmony	_____	iron	_____	soft	_____
stable	_____	simple	_____	hard	_____
civil	_____	mode	_____	strength	_____

Exercise 5 a. Write a few Nouns which can be used with these Verbs, as in the examples:

Banks, railroads, means of communication, land have been nationalized, in some countries.

_____	have been standardized.
_____	have been modernized.
_____	have been computerized.
_____	have been centralized.

b. Change the word combinations using the Verbs (with the suffix -dr):

to make a street wide — to widen a street

to make a pencil sharp _____

to make the voice soft _____

to make his sorrow deeper _____

to make the belt tighter _____

Exercise 6 a. Translate into English:

критиковать _____	персонализировать _____
морализировать _____	упрощать _____
анализировать _____	фальсифицировать _____
сенсибилизировать _____	идентифицировать _____
мобилизовать _____	уменьшать _____

b. Underline the Verbs formed with the help of suffixes:

to petrel	to patronise	to search	to stratify
to symbolise	to attract	to honour	to organise
to exemplify	to appeal	to criticise	to stimulate

Section 3 Texts

The nature of a tort

The law of torts covers civil wrongs as distinct from criminal wrongs. The object of criminal proceedings is primarily punishment. The police are the principal agents to enforce the criminal law. If the defendant is found guilty the court may award the proper punishment. The object of proceedings in tort is not punishment, but compensation or reparation to the claimant, previously designated as the plaintiff for the loss or injury caused by the defendant, i.e. damages.

The same facts may disclose a crime or a tort. Thus, if A steals B's coat, there is a crime or theft (a crime), and trespass to goods (a tort) and conversion (also a tort). If X assaults Y, there is both a crime and a tort.

Torts are trespasses in a wide sense of the term, meaning all injuries to the person, goods or land. Thus a personal injury to another, e.g. assault and battery, damage to personal goods, to gates, hedges, lands, or mere entry on lands or cattle trespass, etc.

A tort has been defined as 'a civil wrong for which the remedy is a common law action for unliquidated damages, and which is not exclusively the breach of a contract or the breach of trust or other merely equitable obligation' (Salmon: Law of Torts)

Prof. P.H. Winfield, another important authority in this field, asserts that 'tortious liability arises from the breach of a duty primarily fixed by law; such duty is towards persons generally, and its breach is redressible by an action for unliquidated damages'. (Law of Tort)

Vocabulary

distinct [dis'tɪŋkt] отличающийся; as distinct from в отличие от

object ['ɒbdʒɪkt] вещь; ан. goal

предмет правильный, должный

первоначальное возмещение, возмещение, предоставленное удовлетворение; возмещение

claimant ['kleɪmənt] истец, претендент

to designate определять, обозначать, называть

plaintiff [pleɪntɪf] истец (уст.)

loss потеря; убыток; гибель; actual loss фактический ущерб

injury [ɪnɪdʒi] вред, ущерб; телесное повреждение; нарушение права другого лица

to disclose раскрывать, обнаруживать, объявлять

battery нанесение удара, нанесение побоев, насилие

damage (to smth) ['dæɪdʒ] ущерб, убыток, вред; to damage (smth)

причинить ущерб, повредить; damages убыток; unliquidated damages неизмененный убыток, возмещение не определенным убытком

agent (1) вор, доверно; 2) доверительная способность; 3) зрел

equitable [ɪ'kwɪtəbəl] справедливый, регулируемый правом справедливости

action ['æʃən] действие

to redress давать возмещение; redressible возмещаемый

Exercise 7 a. Read and translate these words:

wrongs
nature
obligation
cover

proceedings
enforcement
penitential
agent

remedy
compensation
reparation
designation

b. Read and translate these word combinations:

to break a contract	definition of a term
breach of a contract	a common law action
to define a tort	to act as an agent

Exercise 8 Match the English and Russian equivalents:

assault	посягновение
battery	повреждение
trespass	убыток
tort	нападение
damage	правонарушение
damages	средство защиты права
remedy	посягательство (на лицо, собственность, закон и т.д.)

Exercise 9 Choose the right words from this list, read and translate the sentences:

personal, distinct, redressable, tortious, anticipated, proceedings, criminal

- 1 The law of torts covers civil wrongs as ... from criminal ones.
- 2 A ... injury to another is an example of a tort.
- 3 The remedy for a tort is unliquidated damages.
- 4 ... liability arises from the breach of a duty.
- 5 This breach is ... by an action for ... damages.
- 6 The object of ... proceedings is primarily punishment.
- 7 The object of ... in tort is compensation or reparation.

Exercise 10 Choose the correct variant, read and translate the sentences:

- 1 The police (*is, are*) the principal agents to enforce the criminal law.
- 2 The court may (*award, be awarded*) the proper punishment.
- 3 A certain compensation may (*award, be awarded*) to the claimant, previously (*call, called*) the plaintiff.
- 4 The compensation may (*pay, be paid*) for the loss or injury (*cause, caused*) by the defendant.
- 5 The same facts may (*disclose, be disclosed*) a crime or a tort.

- 6 Torts are trespasses (*meanst, meaning*) all injuries to the person, goods or land.
- 7 A tort (*has defined, has been defined*) in a few slightly different ways.

Exercise 11 Translate into English paying attention to these expressions:

<i>to find and guilty</i>	признать кого-либо виновным
<i>to prove and guilty</i>	доказать виновность кого-либо
<i>to plead guilty</i>	признать свою виновность
<i>to be guilty of crime</i>	быть виновным в совершении преступления

- 1 Суду признал его виновным.
- 2 Неужели его признали виновным?
- 3 В чем же он был виновен?
- 4 Я не думаю, что обвиняемый признает себя виновным.
- 5 Суду было трудно доказать, что он виновен.
- 6 Суд присяжных обязательно признает их виновность в совершении преступления.
- 7 Она должна быть уже доказана его виновность.

Exercise 12 Use these expressions in sentences of your own:

- | | |
|--------------------------|---|
| trespass to goods | — нарушение владения движимостью с причинением вреда |
| trespass to land | — нарушение владения недвижимостью с причинением вреда |
| trespass to the person | — причинение личного вреда |
| trespass on the case | — иск по конкретным обстоятельствам дела |
| trespass on the promises | — противоправное вторжение на чужую территорию, в чужое помещение с причинением вреда |

Exercise 13 a. Write your own definition of a tort, using the text.

b. Compare it with the definition given by Prof. P.H. Winfield.

Try to see the following:

It seems to me ...

To my mind ...

I would say ...

I have to admit that ...

There is no denying the fact that ...

Damage and liability

As a general rule, where one person suffers unlawful harm or damage at the hands of another, an action in tort for that damage or injury arises. An action in tort lies, for example, in the situation where A negligently collides with B's stationary car on a road and causes damage to it.

Sometimes harm is done by one person to another yet the law does not provide a remedy: this is described as *damnum sine injuria* ('damage without legal wrong'). Ordinary trade competition is the most common example. For example, a giant supermarket sets up adjacent to, and in competition with, a small family grocer, selling all goods cheaper. The result could well be that the family grocer, unable to compete, is forced out of business. Harm is done to the grocer and his or her family in that they lose their livelihood, yet the law offers no remedy to them.

In contrast to the above, in some other situations there can be a legal wrong but no loss or damage. This is described as *injuria sine damno*, and is an exception to the general rule that there must be damage or injury before action may be brought. Certain torts are actionable *per se* (i.e. actionable in themselves). Examples are trespass and libel: in either of these cases no loss need be alleged or proved.

If A trespasses on B's land, or if A removes B's goods without lawful authority, A may be sued in trespass; the mere entry on the land or the mere removal of the article constitutes in each case a trespass. Similarly in libel the mere publication of the libel constitutes the wrong even though the party defamed may have suffered no loss whatsoever.

In torts not actionable *per se*, the claimant will succeed only if it can be proved that the defendant has infringed a legal right and that thereby the claimant has suffered damage.

Vocabulary

вредителю причиненно вред, возмездность (за вред, ущерб, вред)
to suffer спастись, попытаться; to suffer loss поглотить ущерб
negligently ['neglɪdʒntli] небрежно, халатно, беспечно
to collide столкнуться; to collide with вступить в столкновение с
damnum sine injuria (Lat.) = damage without legal injury (or wrong) причинение физического ущерба без юридического ущерба или правонарушения
ordinary ['ɔ:dnəri] обычный

glant (глантсман)

affair (афэйр) приемливание, сосание

gross (гросс) ближайший товар

to offer (оффер) предлагать

injury (айн джур) (Lat.) = legal wrong without damage юридическое правонарушение без причинения физического ущерба

myself (ми'селф) (Lat.) сам по себе, из существа

that (дэзэ) которое, которое

to allege (а'ледж) утверждать, оспаривать

to succeed (суксид) преуспевать, добиваться успеха

to infringe (ин'фриндж) нарушать

Exercise 14 a Add the missing letters, read and translate the words:

inj...ry

dam...a

rem...dy

infring...ment

success...n

injur...an

damag...ag

ad...scent

cert...in

act...cable

tr...pass

def...scent

equit...ble

redress...ble

tot...ous

b. Read and translate these words and word combinations:

as a general rule

for example (aye. for instance)

in contrast to the above

in some other situations

as an exception

as an exception to the general rule

similarly

however

therefore

nevertheless

Exercise 15 a. Write the words from which these nouns are formed, read and translate the pairs:

suitor _____

chooser _____

trespasser _____

criminal _____

claimant _____

action _____

competition _____

removal _____

exception _____

injury _____

b. Write what Parts of Speech the words in *italics* are, read and translate the sentences:

1. The *claimant* has suffered *certain* *damage*.

2. That *collision* caused *damage* to the car.

- 3 In this particular case that was *damage* without legal wrong.
- 4 How did he *damage* the furniture?
- 5 I am afraid that will *damage* the roof of the house and the fence.
- 6 There can be a legal wrong but no *damage*.
- 7 There must be *damage* or injury before action may be brought.

Exercise 16 a. Read and translate the sentences paying attention to the verb *to suffer*:

- 1 They suffered *invaluable* harm.
- 2 Did they *suffer* any *damage* as well?
- 3 She suffered from headache and loss of memory.
- 4 He was suffering pain and *humiliation*.
- 5 The company was suffering heavy losses.

b. Translate into English:

- 1 Он получил телесное повреждение в результате автомобильной аварии.
- 2 Компании был нанесен урон из-за забвотности.
- 3 Армия понесла большие потери.
- 4 Неужели убытки компании были столь значительны?
- 5 Они, должно быть, действительно понесли убытки.
- 6 Преступник должен был понести суровое наказание.

Exercise 17 a. Read and translate the sentences paying attention to the verb *to arise*:

- 1 Thus an action *in tort* arose.
- 2 A new difficulty has *arisen*.
- 3 If the need arises telephones are immediately.
- 4 Some obligations may arise from the proposed clause.
- 5 Serious obligations really arise from this amendment.

b. Translate into English:

- 1 В деле появились новые факты.
- 2 Боюсь, по этому вопросу могут возникнуть серьезные разногласия.
- 3 Может появиться необходимость в новых принципах.
- 4 Должно быть, такая необходимость уже возникла.
- 5 Когда возникла эта необходимость?

Exercise 18 a. Read and translate the sentences paying attention to the word *yet* which can be translated as *тем не менее, хотя, хотя*

- 1 Yet the law does not provide a remedy.
- 2 Yet the law offers no remedy to them.
- 3 They have not met yet.
- 4 Need you go yet?
- 5 It is strange and yet true.

b. Translate into English:

- 1 Тем не менее он этого не знал вчера.
- 2 Тем не менее вся эта информация точная.
- 3 Но это очень странно, не так ли?
- 4 Вы уже познакомы с нашим новым сотрудником?
- 5 Он еще не встречался с адвокатом.

Exercise 19 a. Complete the sentences as in the text:

- 1 Where one person suffers unlawful harm or damage at the hands of another ...
- 2 Sometimes harm is done by one person to another yet the law ...
- 3 This is described as *damnum* ...
- 4 In some other situations there can be a legal wrong...
- 5 This is described as *injuria*...
- 6 Certain torts are actionable ...
- 7 In torts not actionable *per se* ...

b. Write out examples of torts from the text.

Exercise 20 a. Translate into English:

- 1 Это исключение из общего правила.
- 2 Для этого должно быть зафиксировано какое-либо телесное или другое повреждение.
- 3 Дело может быть порошено в суд.
- 4 Он был привлечен за то, что зашел на частную территорию.
- 5 Истец может выиграть это дело.

b. Write a plan of the text and sum up the text.

Capacity of parties in tort

The general rule is that anyone of full age may sue and be sued in tort. Nevertheless, there are some special rules applied in tort:

- (a) No proceedings in tort may be brought against the Monarch in his or her private capacity. The Crown is not liable for torts committed by the police or other public officers who are appointed and paid by local authorities, or by members of public corporations such as the Coal Board, Gas Board, and Electricity Board.
- (b) Judges have absolute immunity for acts within their judicial capacity.
- (c) Foreign sovereigns are not liable in tort in the English courts of law unless they submit to the jurisdiction, thereby waiving their immunity from legal process. They may however sue in an English court. Ambassadors, High Commissioners and certain other diplomats cannot be sued in tort during their terms of office. The privilege enjoyed by ambassadors and other diplomats extends to members of their families and to some employees.
- (d) Trade unions enjoy special protection in tort.
- (e) Persons of unsound mind are, in general, liable for their torts. However, a person of unsound mind who is incapable of forming the intention or malice as required in torts of malicious prosecution or deceit, will not be held liable.
- (f) Enemy aliens are members of a state with which England is at war, or persons (including British subjects) who 'voluntarily reside or carry on business' in that state. Enemy aliens cannot bring an action in tort, but they may if sued defend one, and they may appeal. Other aliens have neither disability nor immunity.

Vocabulary

capacity [kə'pæsi] правоспособность; дееспособность; компетенция; **должность**

immunity иммунитет

to waive suit [waɪv] отказаться от чего-либо

ambassador посол

High Commissioner верховный комиссар; член комиссии
 of unsound mind душевнобольной
 malice [mɒ'lɪs] злоба; злой умысел
 deceit [dɪ'set] обман; лжестость; лживость
 ally ['æli] друг, союзник

Exercise 21 a. Read and translate these groups of words:

to sue	to commit	to appoint
to be sued	to be committed	to be appointed
if sued	commitment	appointment
to authorise	innuence	privilege
authority	innuency	privileges
authorities	to innuence	privileged

b. Match the English and Russian equivalents:

capacity	обман
party	злой умысел
rules	процесс
proceedings	иностранин
process	иск, рассмотрение дела в суде
malice	правоспособность
deceit	сторона
alien	правона

Exercise 22 a. Read and translate the sentences paying attention to these expressions:

<i>to be liable</i>	нести ответственность
<i>to hold liable</i>	принять ответственность
<i>liability</i>	ответственность

- 1 The foreign sovereign was not liable in tort.
- 2 That person of unsound mind was certainly not liable for the tort.
- 3 He will not be held liable.
- 4 He did not admit liability for the accident.
- 5 If you drive a car to the danger of the public, you make yourself liable to a heavy fine, or even to imprisonment.
- 6 Is a man liable for his wife's debts in that country?

b. Write a few sentences of your own using the words *liable* and *liability*.

Exercise 23 a. Translate these words paying attention to the verb *to enjoy* which has two different meanings (*to have*, *to like*):

- 1 They enjoy equal rights.
- 2 This person enjoyed all the privileges of the guest.
- 3 He hoped to enjoy protection of law.
- 4 Does he enjoy good health?
- 5 As far as I know he enjoys a good income.
- 6 He has enjoyed talking to the girl.
- 7 Did you enjoy your dinner?

b. Use the correct Prepositions and write a few sentences of your own using these expressions:

- 1 anyone ... full age _____
- 2 to sue ... an English court _____
- 3 during their terms ... office _____
- 4 this privilege extends ... members of their families _____
- 5 to be capable ... doing that _____
- 6 to be incapable ... doing that _____
- 7 these states are ... war _____

Exercise 24 a. Use the right Participle, read and translate the sentences:

- 1 There are some special rules (*to apply*) in torts.
- 2 The Crown is not liable for torts (*to commit*) by the police.
- 3 The Crown is not liable for torts (*to commit*) by other public officers either.
- 4 He is an officer (*to appoint*) by local authorities.
- 5 He is an officer (*to pay*) by local authorities.
- 6 They wanted to speak to some people (*to enjoy*) these privileges.
- 7 He interviewed a few students (*to reside*) in this state.

b. Translate the following sentences paying attention to this rule:

В предложении выделяется после союза *unless* (если не, пока не) часть употреблена в некотором времени и в утвердительной форме:

I shall go to the University unless I fall ill.

Я пойду в университет, если не заболею.

- 1 Foreign sovereigns are not liable in tort in the English court unless they submit to the jurisdiction, thereby waiving their immunity from legal process.
- 2 He will be arrested unless he leaves the country today.
- 3 He will be hospitalized unless the medicine makes a miracle.
- 4 You will fail unless you work hard.
- 5 Unless bad weather stops me, I go for a walk every day.

Exercise 25 a. Answer the following questions:

- 1 Can proceedings be brought against the British Monarch?
- 2 Are judges immune in Britain?
- 3 In what cases can foreign ambassadors be sued in the UK??
- 4 What are the privileges of trade unions?
- 5 In what cases are persons of unsound mind held liable?
- 6 Who can be classified as enemy aliens?
- 7 Can they bring an action in tort?
- 8 Can they appeal if they are sued?
- 9 What are the rules about other aliens?

b. Write an essay on one of the topics:

- 1 All the three texts give only a general idea about torts.
- 2 There are many things which are not clear.
- 3 Tort is a very specific law.

Section 5 Speaking English

Torts and languages

At Davies' School of English

Ann: Mary, yesterday I read a leaf about the law of torts. The word 'tort' reminded me of the Russian word which means cake. English torts have certainly nothing to do with Russian cakes. But this coincidence is still very strange. Though I now know that the English word 'tort' derives from the Latin *torvus*. It means crooked or twisted.

Mary: How very strange. In French we also have the word 'tort'. It means wrong. So no problem of understanding the term 'law of torts', though I have never studied law and have never come across this term.

Alex: Oh, in Italian we also have the word 'torto' as a legal term.

Diogo: Excuse my interference. I overheard your talk. And if I am not mistaken we, Spaniards, also have the word 'torto' meaning something wrong.

Ann: Oh, thank you, friends! It was a real research! Well done!

Vocabulary

coincidence [koi'nsa:dn] совпадение

crooked 1) изогнутый, кривой, 2) нечестный, несправедливый

twisted извилистый, перекрученный, запутанный

to come across with встретиться с чем-либо

interference [,inta'fjərəns] вмешательство

to overhear подслушать

Exercise 26 a. Read the following paying attention to the sounds [w] and [v]:

language
the English language
the words
when

Davies' School
very strange
it derives from Latin
derivatives

twist
twisted
twisting
twin

b. Read the following sentences paying attention to the intonations:

- 1 How very \strange.
- 2 We also have the word \ 'for'.
- 3 There is no problem of understanding this term.
- 4 He has never studied \law.
- 5 She has never come across this \term.
- 6 They also have this word as a legal \term.
- 7 I am sorry I overheard your \talk.

Exercise 27 a. Answer the following questions:

- 1 Why did Ann start this talk?
- 2 About what coincidences did she speak?
- 3 Is there a similar word in French?
- 4 And do Spaniards have a similar legal term?
- 5 How many students were involved in the talk?

b. Complete and reproduce the talk

- Yesterday I read a text about ... The word 'for' reminded ...
But this coincidence is still very strange. Though I don't know ...
for. It means ...
- How very strange. In French ... It means ... So no problem ...
though I have never...
- Oh, in Italian ...
- Excuse my interference. I overheard ... And if I am not mistaken ...
- Oh, thank ...

c. Write out the words and sentences which characterise informal talk.

Exercise 28 Translate into English:

- 1 Извините, что я вмешиваюсь.
- 2 Если я не ошибаюсь, ...
- 3 Не может быть, чтобы это слово было во всех языках.
- 4 Неужели оно есть в японском языке?
- 5 Вы должны были понять, что это несколько надуманно.
- 6 Вы должны упомянуть эти термины.
- 7 Я этого не мог(ла) так узнать.

Section 5 Newspaper item

*French students riot over employers' law
(Daily Express, March 2006)*

Riot police in France have broken up a demonstration by students at the Sorbonne University in Paris.

Students had occupied the campus to protest against a change in legislation governing employment.

Police used tear-gas to force out some 200 students. The students are against a government plan that would allow firms to hire people aged under 26 for a two-year trial period before offering them a permanent job.

Critics say the plan would make it easier for companies to fire young workers, increasing the feeling of insecurity that was seen as one of the root causes of suburban riots in France last year.

Vocabulary

campus [ˈkæmpəs] студенческий городок

to hire нанять, арендовать

to fire уволиться с работы, уволить с должности

insecurity (ˌɪnsɪˈkjʊəri) неуверенность, неопределенность

Exercise 29 a. Read and translate the following:

- 1 to riot over the law
- 2 riot police
- 3 to break up a demonstration
- 4 demonstration organised by students
- 5 they protested against a change in legislation
- 6 it was legislation governing employment
- 7 they forced the students out of the premises

b. Translate into English:

- 1 Этот закон позволил бы работодателям увольнять молодых людей без особых объяснений.
- 2 Это касалось молодых людей до 26-летнего возраста.

- 3 Кроме того, в законе указан срок, после которого работодатель мог уволить молодых людей.
- 4 Это двухгодичный срок.
- 5 Естественно, это вызвало серьезные волнения.
- 6 Волнения бушевали довольно долго.
- 7 Каковы же были результаты?

c. Retell this newspaper item and say in what way the problem was settled.

Section 6 Illustrations

Examples of cases

1 *Morris v Marsden* (1952)

Defendant took a room at a Brighton hotel. While there he attacked the manager of the hotel (plaintiff). It was established that defendant was suffering from disease of the mind at the time of the attack that he knew the nature and quality of his act, but he did not know that what he was doing was wrong. Held that as defendant knew the nature and quality of his act he was liable in tort for the assault and battery. It was immaterial that he did not know that what he was doing was wrong.

2 *Baker v Hopkins & Son, Ltd* (1969)

Two men descended a well where a petrol pump was not working properly and were overcome by fumes causing their collapse. A doctor went to their assistance and was himself overcome and died from the poisonous fumes. Held defendants were liable since they created the dangerous situation. The doctor acted under the compulsion of a moral duty and *volens non fit injuria* did not apply.

3 *Miller v. Jackson* (1977)

Balls were often struck out of a cricket ground (long used for the game) on to B's house recently built nearby. The Court of Appeal awarded damages for negligence and nuisance, but discharged an injunction against playing cricket. The court was of the opinion that on balance the interest of the public in playing cricket should prevail over the private interests of individuals who must have realized when buying their property that balls would sometimes strike it.

4 *Harrison v. Michelin Tyre. Co (1985)*

The plaintiff was injured by a 'practical joke' of a fellow employee. His employers argued that the employee's action constitutes a 'frolic of his own'. Held: that two mutually exclusive questions should be asked.

- (1) Although unauthorized or prohibited, was the employee's action incidental to his employment? If 'Yes', defendant was liable.
- (2) Was it so divergent from the employment as to be plainly alien to and wholly distinguishable from the employment? If 'Yes', defendant was not liable.

On the basis of the facts the answer to question 1 was 'Yes', so that the employers (defendant) were vicariously liable.

Vocabulary

guilty ['kwo:lt] виновный

to descend [d'send] спускаться

well known

тем же ман., как с другим значением

to cause [kɔ:z] причинять

absence doctor, assistance, necessity, necessity

to prevail [pr'vei] преобладать

to strike (strike, strikes) ударять

divergent отклонение

plainly прямо, очевидно

Exercise 30 a. Complete the sentences based on the description of the cases:

- 1 The defendant in Case 1 did not know ...
- 2 It was established that he was suffering ...
- 3 Case 2 concerned two men who descended ...
- 4 The doctor who went to their assistance, was himself ...
- 5 In Case 3 Mr Miller had recently built his house near ...
- 6 As Case 4 shows the plaintiff was injured by a practical joke ...

b. Write out the judgements for every case.

c. Translate into English:

- 1 Обвиняемые были признаны виновными, так как они создали опасную ситуацию.

- 2 Доктор действовал в соответствии с профессиональным долгом.
- 3 Статья трудового кодекса не временная.
- 4 Он выдвинул в нападениям и мазками.
- 5 Это были противоречивые вопросы.
- 6 Это не было непосредственно связано с работой?
- 7 Это по-настоящему случайный характер?

d. Say in which case the Clause *volenti non fit injuria* (consent of the injured party) was applied.

Section 1: *Grammar* The Rules of the Sequence of Tenses

Section 2: *Word-formation*

1 Suffixes of Adjectives

2 Suffixes of Adverbs

Section 3: *Texts*

1 Legal persons

2 Nationality and domicile

3 Marriage

4 Divorce

Section 4: *Speaking English* Marriage by the Church of England

Section 5: *Illustrations* Examples of cases

Section 6: *Test*

Section 1 Grammar

The Rules of the Sequence of Tenses (Правила согласования времен)

1. При составлении простых предложений различаются два типа предложений: простые предложения. Если сказуемое главного предложения находится одним из прошедших времен, то глагол в придаточном предложении также употребляется в одном из прошедших времен.

(1) Если действие придаточного предложения совпадает во времени с действием главного предложения, глагол придаточного предложения употребляется в Past Indefinite или Past Continuous:

He listed that she was learning the law of torts.

Он сказал, что она изучает закон о правонарушениях.

(2) Если действие придаточного предложения предшествует действию главного предложения, глагол придаточного предложения употребляется в Past Perfect или Past Perfect Continuous:

I was sure he had graduated from Oxford University.
Я был уверен, что он окончил Оксфордский университет.

(3) Если действительное предложение главным образом связано с действительным главным предложением, то такое придаточное предложение употребляется в Future in the Past:

I feared he would be found not guilty.
Я был уверен, что его признают невиновным.

2. Иногда правила согласования времен не соблюдаются в датоименных придаточных предложениях в следующих случаях:

1) если придаточное предложение выражает общезначительный факт:

He knew that jurisprudence is a science and philosophy of human law.
Он знал, что юриспруденция — это наука
и философия права человека.

2) если придаточное предложение выражает произошедшее действие в установленном прошлом:

I did not know that the computer system was invented in 1968.
Я не знал, что машина для компьютера была изобретена в 1968 г.

3) Если придаточное предложение выражает действительно реальное будущее:

This morning I learned that the trial will start tomorrow.
Сегодня утром я узнал, что суд состоится завтра.

Exercise 1 a. Read and translate the sentences:

- 1 He believed the repayment would be paid very soon.
- 2 Everybody hoped the claimant would win the case.
- 3 He was certain that a proper decision had been made.
- 4 We were sure that undisputed damages had been designated.
- 5 They were not sure if the company had suffered any losses.
- 6 She heard that he had been offered a very well paid job.
- 7 I thought he would not accept the offer.

b. Translate into English:

- 1 Я знал, что он не примет этого предложения.
- 2 Мы боялись, что он не выиграет этого дела.
- 3 Он знал, что ее показания будут очень важными.
- 4 Она вспомнила, что уже встречала этого человека.
- 5 Мне казалось, что он чем-то опечален.

Exercise 2 Read and reproduce the mini-dialogues:

- 1 — Did you know about that?
— Yes, I knew that he had bought a new racing car a few days before.
- 2 — Were you sure of his success?
— Yes, we were double sure he would win the races.
- 3 — What was your opinion of the city?
— I thought it had been completely restored after the hurricane. But some houses are still in ruins.

Exercise 3 a. Complete the sentences in your own way:

- 1 I knew I must ...
- 2 I thought I must ...the next day.
- 3 He thought he should ...
- 4 I thought she ought ...
- 5 We were sure we could ...

b. Translate into English:

- 1 Я знала, что она может прийти в любую минуту.
- 2 Мы все думали, что ей удастся выиграть.
- 3 Она была совершенно уверена, что сможет справиться с этим занятием.
- 4 Мы узнали, что он придет только через несколько дней.
- 5 Он надеялся, что его пригласят на собеседование завтра.

Section 2 Word formation

Suffixes of Adjectives (Суффиксы прилагательных)

Многие прилагательные образуются от существительных с помощью суффиксов:

to read	-able/-ible	readable
to depend	-ent	dependent
to act	-ive	active
to hope	-ful	hopeful
to hope	-less	hopeless

Прилагательные могут быть также образованы от существительных с помощью следующих суффиксов:

culture	-al	cultural
beauty	-ful	beautiful
danger	-ous	dangerous
rise	-y	rising
Europe	-an	European

Exercise 4 a. Say how these Adjectives are formed, read and translate them:

different	lawful	controversial
persuasive	academic	considerable
decisive	administrative	customary
criminal	various	exemplary
influential	statutory	parliamentary

b. Form and translate the Adjectives using the suffixes: -al, -relative

constitution	_____	to legislate	_____
notion	_____	to compare	_____
practice	_____	to create	_____
form	_____	to operate	_____
industry	_____	to interact	_____
universe	_____	to prevent	_____
person	_____	to offend	_____
origin	_____	to construct	_____

Exercise 5 a. Change the clauses for Adjectives with the suffix -able

the rules which can be applied = the applicable rules

a man on whom you can rely	_____
a question which can be disputed	_____
the terms which can be accepted	_____
a person who can be easily managed	_____
a person who can be depended on	_____
a box which can be, or is to be, returned	_____

b. Form Adjectives, using various suffixes and translate the adjectives:

power _____	division _____	violence _____
to vary _____	to corrupt _____	to act _____
to function _____	to injure _____	to doubt _____
type _____	environment _____	to remove _____
to respect _____	to redress _____	to apply _____

Suffixes of Adverbs (Суффиксы наречий)

Большинство наречий образуется от прилагательных с помощью суффикса -ly:

careful	carefully	loud	loudly
exact	exactly	close	closely
easy	easily	natural	naturally

Exercise 6 a. Form and translate the Adverbs:

proper _____	reckless _____
necessary _____	official _____
useful _____	serious _____
injurious _____	consequent _____
voluntary _____	intentional _____
negligent _____	substantial _____
vicarious _____	equitable _____

b. Add as many Adverbs as you can:

to speak loudly, _____
 to read something quickly, _____
 to see something well, _____
 to come into the room noiselessly, _____
 to fill in a form negligently, _____
 to damage something badly, _____

c. Translate into English:

- 1 быстро раскрыть преступление
- 2 тщательно заполнить форму
- 3 быстро решить эту проблему
- 4 внимательно изучить вопрос
- 5 полностью изменить смысл предложения

Section 3 Texts

Legal persons

The law of persons deals with legal persons, nationality and domicile, marriage, divorce, legitimation, adoption, guardianship, illegitimacy, etc.

All human beings are 'persons' under English law. One of the most important concepts of English law is that all persons within the realm, including aliens, have rights and are subject to certain duties.

This state of affairs is not universal. Slaves in early Roman and Anglo-Saxon times, for example, had no rights. They were regarded as chattels: a thing to be owned and used or even killed at the will of their master or owner. A slave had, in law, no 'legal personality'. Similarly in early Norman times a criminal could be declared an outlaw: someone outside the law's protection whom any man could kill with impunity. In early times also, animals which had 'misbehaved' by attacking humans or cattle were sometimes hanged. In the East, gods and idols were offered gifts or appeased in some way as if they were persons. Whether a human being or some other creature is a 'legal person' depends, therefore, on the law of the state where that being or creature is.

In English law legal personality generally attaches to a human being at birth and ends at death. Although certain parts of the criminal law recognize and protect the existence of a child not yet 'in being', e.g. it is an offence to commit abortion or child destruction (which means unlawfully causing the death of a child before it has an existence independent of the mother), this does not necessarily attribute legal personality to the unborn infant.

Death puts an end to both the physical and legal personality. For example, the defamation of a deceased person is not actionable in English law by his personal representatives or near relations.

Vocabulary

domicile ['dɒmɪsl] доми́лиум (юридическое значение: место жительства, местонахождение); **actual domicile** действительное по происхождению

to *divorce* *maib* [di'vois] развестись с кем-либо; *divorce* развод
legitimacy *legitimatsiia*; *uznaniemskii*; *legitimatsiia*
 to *adopt* усыновить, удочерить; *adoption* усыновление, удочерение
guardian опекун; *guardianship* опекуновство
illegitimacy [i,li'dzhanos] незаконнорожденность; незаконность
realm королевство, государство, страна
slave раб
chattel нематериальная собственность, движимость; *chattel* движимое имущество
crime [kri:m] преступление, нарушение закона, проступок
innocent [in'fents] безвиновность; освобождение от наказания
gilt *zdr*
 to *appeal* [a'pi:l] умолять, умоуотворять
creature ['kri:tʃə] живое существо; творение
chthon *perodnitskii*
 to *defame* *pozoriat*, *pozoriat*; *obshchiat*; *defamation* *defitsimatsiia*
 (разглашение правды о селении, позорили другое лицо)
desecrate *umyshl*

Exercise 7 a. Read and translate the words:

legal	nationally
human	human being
important	marriage
certain	concept
independent	alien
physical	idol

b. Write the words from which these ones are formed and translate the pairs:

legally	_____	certainly	_____
independently	_____	naturally	_____
valiantly	_____	generally	_____
necessarily	_____	similarity	_____

c. Form and translate the Adjectives:

person	_____	(illegitimacy	_____	crime	_____
to attribute	_____	to create	_____	to represent	_____
offence	_____	law	_____	to act	_____

Exercise 8 Match the English and Russian equivalents:

domicile	условие
legitimation	корольство
legitimacy	создание
realm	завиты
alien	личное имущество
chattel	несовершенство
protection	местонахождение
creation	условие

Exercise 9 a. Write and translate the word combinations like this:

*an important concept —
a most important concept*

- | | |
|---------------------------|-----------------------|
| 1 a destructive element | 4 a beneficial factor |
| 2 a representative case | 5 a significant point |
| 3 an illustrative example | 6 a complicated task |

b. Translate into English:

- ОДИН ИЗ САМЫХ ТЯЖЕЛЫХ СЛУЧАЕВ
- ОДИН ИЗ САМЫХ СЛОЖНЫХ ЗАДАЧ
- ОДИН ИЗ САМЫХ СЛОЖНЫХ ПРЕДМЕТОВ
- ОДИН ИЗ САМЫХ ИНТЕРЕСНЫХ ЭКСПЕРИМЕНТОВ
- ОДНО ИЗ САМЫХ ПРОТИВОПОЛОЖНЫХ ВЫСКОЧЕНИЙ

Exercise 10 Use the correct Articles where necessary, read and translate the sentences:

- One of ... most important concepts of English law is that all ... persons within ... realm are subject to ... certain duties.
- All human beings are ... 'persons' under ... English law.
- In ... English law ... legal personality attaches to ... human being at ... birth and ends at ... death.
- Death puts ... end to both ... physical and legal personality.
- ... law of persons deals with ... legal persons.

Exercise 11 Mark the false statements with F, read and translate the true statements:

- 1 The law of persons does not deal with marriages and divorces.
- 2 All persons within the realm, excluding slaves, have rights and are subject to certain duties.
- 3 Slaves in early Roman and Anglo — Saxon times had no rights.
- 4 Slaves were regarded as chattels.
- 5 In the East, gods and idols were appeared as if they were persons.
- 6 Whether a human being is a legal person does not depend on the law of the state where that being is.
- 7 In English law it is an offence to commit abortion.

Exercise 12 a. Sum up the text in about 5 sentences.

b. Translate into English:

- 1 Он был уверен, что раньше ничего не читал об этом праве в современной Англии.
- 2 Преподаватель попросил, что мы не готовы к семинару.
- 3 Он спросил, кто в соответствии с английским законодательством является юридическим лицом.
- 4 Они имеют определенные права.
- 5 Кроме того, они имеют определенные обязанности.

Nationality and domicile

A person's nationality means his or her status of a citizen or member of a particular state to which the person owes allegiance. Apart from stateless persons everyone is the subject of some state to which they owe political allegiance and loyalty, for which they may be called upon to fight, pay taxes and support, and from which they may expect protection. These are broad general statements only.

For instance, although we say that all persons must be national subjects of some state or other, we know that due to upheavals of war there are some unfortunate 'stateless' persons who have been disowned by, or expelled from, their country of birth and origin.

Nationality is of great importance in the field of public law. Thus, British subjects enjoy universal franchise, i.e. the right to vote at local

and Parliamentary elections. Aliens in Great Britain have no such right. They are subject to certain restrictions concerning entry into the United Kingdom and employment after entry; furthermore they must register certain particulars with the police. Citizens of the European Union, however, have a right to freedom of movement within the State and are not subject to the same restrictions as other aliens.

Apart from these restrictions, English law treats aliens in much the same way as ordinary British subjects: for example, they are subject to the same rules of criminal law and the same laws of tort and contract. For example, an alien may not own, or become part-owner of, a British ship registered at a British port and sailing under the British flag.

The British Nationality Act, 1981, divides citizenship into three classes:

- (a) British citizenship
- (b) British Dependent Territories citizenship
- (c) British Overseas citizenship

British citizenship may be acquired in the following ways:

- (a) By Birth
- (b) By Adoption
- (c) By Descent
- (d) By Registration
- (e) By Naturalization
- (f) By Marriage
- (g) By State

Domicile is a concept distinct from nationality. Thus a person may be a British subject and yet be domiciled, for example, in France.

'Domicile' defines the legal relationship between an individual and a legal system of territory. The concept of domicile, under English law, involves two elements: actual residence and *animus revertendi*, i.e. the intention to remain in that place or country. Where these two elements co-exist a person is said to have a domicile in that country.

Vocabulary

to owe [oʊ] быть должным

allegiance верность; пребывание в гражданстве, подданство; double allegiance двойное гражданство

officially официально, бесспорно, будет

to expel [ɪkˈspel] исключать, выселять

franchise право, привилегия, льгот

restriction ограничение; legal restriction правовое ограничение

entry ['entri] 1) поступление; 2) запись

disown перенос по настоянию

Exercise 13 a. Add the missing letters, read and translate the words:

nat...lity

down...cile

stat...s

citiz...n

dis...own

all...giance

lo...alty

stat...less

bro...ad

part...cular

pol...tical

unf...rtunate

c...tain

fol...owing

b. Read and translate these word combinations:

- 1 to owe allegiance to the state
- 2 apart from stateless persons
- 3 they may be called upon to fight for the state
- 4 they may expect protection from the state
- 5 these are broad general statements
- 6 for instance
- 7 although we say this

Exercise 14 a. Use the right prepositions from this list, read and translate the sentences:

to, of, by, at, with, in, into

- 1 We say that all persons must be national subjects ... some state or other.
- 2 Due ... refusal ... war there are some unfortunate stateless persons.
- 3 Some people have been disowned ... their country ... birth and origin.

- 4 Nationality is ... great importance ... the field ... public law.
- 5 British subjects enjoy the right to vote ... local and Parliamentary elections.
- 6 Aliens are subject ... certain restrictions concerning entry ... the UK.
- 7 Aliens must register certain particulars ... the police.

b. Translate into English and write a sentence with each word combination:

- 1 понятие этих ограничений
- 2 относиться к иностранцам
- 3 например, в соответствии с законом
- 4 делить на несколько групп
- 5 определять по необходимости

Exercise 15 a. Use the correct variant, read and translate the sentences:

- 1 Domicile (*has been, is*) a concept distinct from nationality.
- 2 A person (*must, may*) be a British subject and yet (be domiciled, domiciled) in France.
- 3 Domicile (*defines, defines*) the legal relationship between an individual and a legal system of territory.
- 4 The concept of domicile (*involves, is involved*) two elements
- 5 Where these two elements co-exist, a person (*says, is said*) to have a domicile in that country.

b. Translate into English:

- 1 Существует несколько видов domicilia.
- 2 По английскому праву domicilia происхождения — это domicilia отцов.
- 3 Существует domicilia в силу закона. Например, жена имеет тот же domicilia, что и ее муж, даже если она живет в другой стране.
- 4 Domicilia не следует путать с понятием «резидентство».
- 5 В отличие от резидентства физическое лицо, как правило, может иметь domicilia только в одной стране.

Exercise 16 a. Write a plan of the text.

b. Retell the text according to the plan.

c. Write full answers to these questions:

1. What is the notion of nationality?
2. How can British citizenship be acquired?
3. What is the difference between domicile and residency?

Marriage

The legal view of marriage is that it is a contract between two persons. Because it fundamentally affects the status of each of the contracting parties and imposes rights and obligations of a special kind, marriage is accorded a particular importance legally as well as socially.

Lord Penzance defined marriage as the voluntary union for life of one man and one woman to the exclusion of all others (*Hyde v. Hyde*, 1863).

It follows from the above definition that for a marriage by deceit or by mistake must be void. Deceit means misrepresentation of the essential nature of the transaction; mistake means an essential mistake, e.g. the identity of the other party, or the ceremony itself. The free and voluntary consent of the parties is essential.

A person domiciled in England or Wales must comply with English law as to capacity to marry. The requirements are that at the time of the marriage neither party must be under 16 years of age, already married, certified of unsound mind or within the 'prohibited degrees'.

The 'prohibited degrees' means close members of the family, e.g. brother and sister, set out in the first schedule to the Marriage Act 1949 as amended. Under the Marriage (Enabling) Act 1960, it is now lawful to contract a marriage with a sister, aunt or niece of a former wife (living or dead), or brother, uncle or nephew of a former husband (living or dead).

A marriage under English law may be contracted either according to the rites of the Church of England, or under a certificate of a Superintendent Registrar.

The following marriages may be solemnized on the authority of a Superintendent Registrar's certificate:

- (a) A marriage in a registered building.
- (b) A marriage in a register office.

- (c) A marriage according to the usages of the Society of Friends (commonly called Quakers).
- (d) A marriage between two persons professing the Jewish religion according to the usages of the Jews.
- (e) A marriage according to the rites of the Church of England.

Vocabulary

to exclude [is'klyudz] исключать; исключение

void [vɔɪd] недействительный

misrepresentation введение в заблуждение, искажение фактов

identity [aɪ'dentɪti] 1) устанавливать личности; 2) устанавливать тождество

to comply with соответствовать

requirement [rɪ'kwaɪəmənt] требование

rite [raɪt] обряд, церемония

to solemnize совершать торжественную церемонию

superintendent [ˌsʊpərɪntendənt] управленческий, руководитель

quaker ['kwækə] квакер (член «Общества друзей», протестантской секты, основанной в XVII в. Дж. Фоксом)

to profess исповедовать; profess исповедь

Exercise 17 a. Match and translate the antonyms.

to include

to marry

to impose

to prohibit

to comply

to divorce

to revolt

to allow

to contradict

to exclude

b. Write as many synonyms of these words as you can:

legal _____

fundamental _____

special _____

essential _____

party _____

obligation _____

Exercise 18 a. Answer the following questions:

- 1 What is the legal view of marriage?
- 2 How did Lord Pentance define marriage?
- 3 In what cases can marriages be void?
- 4 What are the requirements for marriage?
- 5 In what cases are marriages prohibited?
- 6 How can marriages be solemnized?

b. Translate into English:

- 1 какая сторона контракта _____
- 2 вынужденное определение _____
- 3 брак по принуждению _____
- 4 согласие двух сторон _____
- 5 в соответствии с обычаями _____

c. Retell the text.

Divorce

Under the Matrimonial Causes Act 1973 (as amended), a consolidating act, it is provided that the sole ground on which a petition for divorce may be presented to the court shall be that the marriage has broken down irretrievably. To establish this the petitioner must satisfy the court on one or more of the following grounds:

- (a) The respondent has committed adultery and the petitioner finds it intolerable to live with the respondent.
- (b) The respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent.
- (c) The respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition.
- (d) The parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to a decree granted.
- (e) The parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition.

The Act contains provisions designed to encourage reconciliation of the parties, but where this is impossible and divorce is granted the court has wide powers to order financial relief for either party.

Under the Act the court may make a divorce order or a separation order, as it sees fit. There is a nine month period of reflection by the parties before an application for divorce may be made.

Vocabulary

matrimonial супружеский

as amended о внесенных поправках или изменениях

immediately немедленно

consentingly [kən'sentɪŋ] добровольно

intolerable [ɪn'tɒləəbəl] невыносимый

decree декрет, указ

to encourage [ɪn'kʌrɪdʒ] поощрять, способствовать

reconciliation примирение

reflection обдумывание

Exercise 19 a. Use the right Participle, seed and translate the sentences:

- 1 The text refers to the Matrimonial Causes Act 1973 as *(to amend)*.
- 2 It is a *(to consider)* act.
- 3 He was away for two years immediately *(to proceed)* the presentation of the petition.
- 4 He consented to a decree *(to grant)*.
- 5 The text mentions the provisions *(to design)* to encourage reconciliation of the parties.

b. Translate into English:

- 1 в соответствии с законом определено, что _____
- 2 единственная причина _____
- 3 представить заявление о разводе _____
- 4 брак расторгнут окончательно _____
- 5 plaintiff заявляет считает необходимым _____
- 6 ответчик _____
- 7 статья закона _____

Exercise 20 a. Translate the sentence which seems most important to you in the text.

b. Sum up the text.

c. Write an essay on one of the topics:

- 1 The law of persons in the UK
- 2 The legal view of marriage
- 3 The legal view of divorce

d. Read your essay for your group-mates. Try to use some of these words and expressions:

May I have your attention?

If you don't mind...

It is very similar to...

What surprises me is that...

Section 4 Speaking English

Marriage by the Church of England

At the lesson at Davies's School of English

Ann: May I ask you a question?

Teacher: Yes, certainly.

Ann: Yesterday I read a text about marriages by the Church of England. Are there many such marriages at present?

Teacher: I am not sure. But it seems to me there are many people who prefer this way of marrying.

Ann: If I understood it properly, a lot of formalities are necessary before marriage by the Church may be solemnized.

Pete: And what are they? Do you remember them? It's very curious.

Ann: If I remember the things properly, banns are to be published, a special licence is to be issued by Archbishop of Canterbury, a common licence is to be issued by a bishop, and a certificate of Superintendent Registrar is to be issued too.

Nick: And what is 'banns'?

Teacher: The publication of banns means an announcement made by a priest three Sundays preceding the solemnization of the marriage.

Pete: And how is the marriage solemnized?

Teacher: It is solemnized by a clergyman of the Church of England in the presence of two witnesses. Usually it is a very colourful ceremony and many guests are present.

Vocabulary

banns (of matrimony) официальное христианского бракосочетания
solemnization торжественный церемония; церемония бракосочетания
priest священник

Exercise 21 a. Read these words paying attention to the sounds [ɪ] and [ʌ]:

certain	this thing
certainly	this way of marrying
canny	this way of divorcing
necessary	preceding
to solemnize	following
banns	announcing
Canterbury	England

b. Read the sentences paying attention to the intonation:

- 1 If I understood it / properly, I a lot of formalities are \necessary.
- 2 If I remember the things / properly, I banns we to be \published.
- 3 There are many people who prefer this way of \marrying.
- 4 What is \banns?
- 5 How is marriage \solemnized?

Exercise 22 a. Complete and read the sentences:

- 1 Ann wanted to ...
- 2 The teacher was prepared to ...
- 3 Ann had read ... but she did not know if there were many ...
- 4 The teacher thought there were many people who ...
- 5 Ann wanted to verify if she understood ...
- 6 Pete asked a few ...
- 7 He admitted it was very ...

b. Translate into English:

- 1 публиковать сообщение о предстоящей свадьбе
- 2 выдать особое разрешение
- 3 обычное разрешение
- 4 в присутствии двух свидетелей
- 5 на торжественной церемонии присутствует много гостей

Exercise 23 a. Reproduce the dialogue.

b. Write out the sentences characterising informal speech.

c. Act out a short dialogue between an English student and a Russian student about traditions of marriages in Russia.

Section 5 Illustrations

Examples of cases

1 Kelly v. Kelly (1997)

A father cannot bring an action on behalf of the foetus to restrain abortion because the foetus has no legal personality and no rights which can be enforced before birth.

2 The natural mother opposed an adoption order of a single woman living in a lesbian relationship. The child had been living with the lesbian couple for two years and was 'well settled and flourishing'.

Held: that nothing in the Adoption Act, 1976 precludes a person from seeking or obtaining an adoption order even if that person is cohabiting in a homosexual relationship at that time.

3 A British citizen of Pakistani origin who was unable to have children applied to adopt her brother's son. The boy entered the United Kingdom as a visitor and the reasons for his entry were not made clear at this time. The application was refused. The child's welfare was clearly outweighed by consideration of public policy.

Vocabulary

фetus (утробный) плод

to restrain [rɪ'streɪn] сдерживать, обуздывать; эд. предотвращать

to oppose *smith* *protivostoyatsya* *chemu-libo*
 to *bovstet* ['bʌst] *prosvetlyat'*
 to *preclude* *predotrazhat'*, *preduprezhdatsya*; to *preclude* a *right* *preot-*
stoyat' *osuzhdeniyu* *prava*
 to *cecidit* *sovmestno* *prosvetlyat'*
 to *enlighten* *peresvetlyat'*
soobrazheniya [sɒb,razh'e'njɪ] *soobrazheniya*; *rasseytrazheniya*

Exercise 24 a. Read and translate these word combinations:

- 1 to bring an action on behalf of smb
- 2 to restrain abortion
- 3 legal personality
- 4 to enforce rights
- 5 before birth

b. Translate into English:

- 1 обжаловать постановление об усыновлении _____
- 2 ничто не мешает человеку получить постановление _____
- 3 хотеть получить постановление об усыновлении _____
- 4 обрзаться с просьбой об усыновлении _____
- 5 отказать в просьбе _____

c. Translate the three examples into Russian.

Section 6 Test

Choose the correct alternative

1 The defendant's father was charged with for trying to influence the judge by offering him a large sum of money.

- | | |
|--------------|--------------------------|
| a kidnapping | c bribery and corruption |
| b arson | d indecency |

2 Judicial corporal punishment was ... in England in 1948.

- | | |
|-------------|------------|
| a abolished | c repeated |
| b endorsed | d relished |

3 The parties continued negotiations for several months before a ... to the dispute was finally reached.

- | | |
|---------------|---------------|
| a negotiation | c arbitration |
| b settlement | d reparation |

4 The defendant's husband was killed in the accident she had caused. It was found that she was guilty of gross negligence, but had not intended to kill the victim. As a result she was convicted of ...

- a killing*
- b murder*

- c manslaughter*
- d assault*

5 The Crown Court sentences him to ... for committing assault occasioning grievous bodily harm.

- a a suspended sentence*
- b a 2-year probation order*

- c judicial corporal punishment*
- d 5 years' imprisonment*

6 The applicant's punishment was degrading in the circumstances, ... Article 3 of the European Convention of Human Rights.

- a consequently it was in accordance with*
- b accordingly it was contrary to*

- c nevertheless it constituted a breach of*
- d moreover it was consistent with*

7 The UK Government refused to ... the accused on the grounds that she was a political offender.

- a convict*
- b charge*

- c remand*
- d extradite*

8 A State may have to make reparations to victims for ... of its agents abroad.

- a infringements*
- b damage caused by criminal acts*

- c espionage*
- d prosecutions*

9 There can be no ... some of the rights protected by the European Convention of Human Rights.

- a derogation from*
- b immunity from*

- c provision for*
- d repeal of*

10 At the beginning of the trial he stated that he had not committed the offence, in other words he pleaded ...

- a guilty*
- b not guilty*

- c guilt*
- d guilty*

JURISTIC PERSONS AND THE CROWN

UNIT
15

- Section 1: *Grammar* Indirect Speech
Section 2: *Word formation* Prefixes
Section 3: *Texts*
1 Corporations
2 Registration
3 Companies
4 Other juristic persons
Section 4: *Speaking English* The Crown
Section 5: *Illustrations* The Crown Proceedings Act 1947
Section 6: *Test*

Section 1 Grammar

Indirect Speech (Косвенная речь)

При передаче прямой речи в косвенную соблюдаются следующие правила:

(1) правила согласования времен

'I have never been to Italy,' Peter said.
Peter said he had never been to Italy.

(2) прямой порядок слов в предложении, начинающемся вопросом:

'When will you see her?' he asked.
He asked me when I would see her.
'Will you tell her about the results?' he wondered.
He wondered if I would tell her about the results.

(3) замена местоимений и наречий:

this	that
these	those
now	then
today	that day
yesterday	the previous day

tomorrow

next month

last month

ago

in two months

here

the next day

the next month

the previous month

before

two months later

there

'I shall come here tomorrow by all means,' she promised.

She promised that she would come there the next day by all means.

Exercise 1 a. Read and translate the sentences:

- 1 I said everybody would get very detailed instructions.
- 2 He stressed that certain harm had been done to the building.
- 3 She claimed that she had been badly injured.
- 4 We said we did not believe her.
- 5 We repeated that she had no proof whatsoever.

b. Transform the Direct Speech into Indirect Speech:

- 1 'I know this man very well,' he said.
- 2 'I liked this film,' she repeated.
- 3 'I have never been to Turkey,' said the girl.
- 4 'I will most probably read this book,' my friend underlined.
- 5 'I'll speak to him by all means,' she said.

Exercise 2 a. Use the right verbs paying attention to the difference in the constructions:

to say something (to somebody)
to tell somebody something

- 1 Ann (said, told) goodbye to me and left.
- 2 I wonder where Peter is now. He (said, told) he would be here at 8 o'clock.
- 3 Dan (said, told) me that he was bored with his studies.
- 4 Don was talking too long to get ready for the dictation, so I (said, told) him to hurry up.
- 5 Sue was nervous about the situation. I (said, told) her not to worry.
- 6 I didn't want to delay Helen, so I (said, told) her not to wait for me if I was late.
- 7 The man started smoking, so I (said, told) that he should refrain from smoking.

b. Translate into English:

- 1 Они сообщили, что уже получили все необходимые справки.
- 2 Он сказал, что вчера прочитал постановление суда.
- 3 Адвокат повторил, что они будут подавать апелляцию.
- 4 Он пообещал, что постарается сам заняться этим делом.
- 5 Он сказал, что ее оправдали.

Exercise 3 a. Read and translate the sentences:

- 1 He asked me when the other students would come.
- 2 He inquired if it was very important.
- 3 He wanted to know whether it was pure coincidence or not.
- 4 She asked me what the result of the students' riot was.
- 5 She also asked me if I had ever been to France.

b. Transform into Indirect Speech and translate the sentences:

- 1 'When did you last go to Italy?' he asked.
- 2 'Where were you yesterday?' she enquired.
- 3 'Did you like the film?' she wondered.
- 4 'Have you finished reading the book?' she asked.
- 5 'Are you going to see this play?' she inquired.

c. Translate into English:

- 1 Он спросил, когда начнется заседание суда.
- 2 Я хотел узнать, где можно получить эту справку.
- 3 Он спросил, в какие дни принимает нотариус.
- 4 Она поинтересовалась, можно ли оформить все эти документы за один день.
- 5 Он спросил, сколько стоит это оформление.

Exercise 4 a. Read and translate the sentences:

- 1 The teacher asked the students to read Text Two.
- 2 The judge asked those present to keep silent.
- 3 The mother wanted her son not to be so late.
- 4 He begged her to help him.
- 5 She asked them not to make so much noise.

b. Transform the Direct Speech into Indirect Speech:

- 1 'Do Exercise Thirteen, please,' the teacher said.
- 2 'Hand in your paper,' the teacher said to the students.
- 3 'Do not translate word for word,' she said.
- 4 'Do not open the window, please,' she added.
- 5 'Repeat it, please,' he said.

c. Translate into English:

- 1 Он попросил всех присутствующих встать.
- 2 Он попросил всех подготовить реферат по семейному праву.
- 3 Она попросила его повторить ответ.
- 4 Его попросили расписаться в книге посетителей.
- 5 Ее попросили кратко рассказать историю английского права.

Section 2 Word formation

Prefixes (Префиксы)

Префикс — это часть слова, стоящая перед корнем. Префикс изменяет значение слова, но, как правило, не меняет его принадлежности к той или иной части речи. Префиксы условно можно разделить на две группы:

(1) префиксы с отрицательными значениями

un-	real	unreal
	reality	unreality
in-	dependent	independent
	dependence	independence
im-	possible	impossible
	possibility	impossibility
il-	legal	illegal
	legality	illegality
ir-	rational	irrational
	rationality	irrationality
dis-	belief	disbelief
	to believe	to disbelieve
non-	essential	non-essential
	evidence	non-evidence

(2) другие префиксы

re-	to construct construction	to reconstruct reconstruction
ca-	able	to enable
mis-	to use use	to misuse misuse
inter-	to act action active	to interact interaction interactive
co-	to operate operation operative	to cooperate cooperation cooperative
over-	to pay	to overpay
under-	to pay	to underpay
pre-	to pay	to prepay
post-	to date graduate	to postdate post-graduate
anti-	septic	anti-septic
counter-	revolution	counter-revolution
ex-	proclaim	ex-proclaim
sub-	way	subway
ultra-	modern	ultra-modern

Exercise 5 a. Read and translate the Nouns:

misrepresentation
disadvantage
incapability
informality
reconstruction

sub-section
ex-wife
ex-champion
post-modernism
under-graduate

b. Add the missing letters, read and translate the Nouns:

d...regulation
di...approval
...mprisement
infr...change
ir...regularity

i...convenience
r...placement
i...difference
a...classification
r...formation

Exercise 6 a. Say how these Verbs are formed, read and translate them:

to disguise
to misinform

to disguise
to demonize

to reconstruct
to deasonationalize
to misinterpret

to disobey
to imprint
to undo

6. Match the Verbs and their meanings:

to enforce
to endanger
to encourage
to enlarge
to impoverish
to implant
to imprison

to make or become larger
to cause to become poor
to make effective, to compel obedience
to fix or put ideas, feelings, etc.
to put to danger
to put or keep in prison
to give hope, courage or confidence

Exercise 7 a. Say how these Adjectives are formed, read and translate them:

ex-territorial
inconvenient
incapable
insufficient
immoval

irreparable
irregular
anti-terrorist
multi-national
pre-historic

b. Add a few nouns associated with these Adjectives and translate the word combinations:

informal talk, lower, _____
illegitimate son, _____
dishonest man, _____
international conference, _____
unacceptable terms, _____
indifferent answer, _____
incomplete story, _____

Section 3 Texts

Corporations

The Law of persons deals with two kinds of legal persons: human beings and juristic persons.

The corporation is an artificial or juristic person, created by law, with a legal personality distinct from the individual persons who control the

corporation. 'A corporation is a legal entity, or artificial person, with a distinctive name, perpetual succession and a common seal.'

The expression 'perpetual succession' means that once the corporation is created by law it will continue until it is destroyed, annulled or dissolved by law.

Juristic persons may be classified according to their mode of creation:

- (a) Corporations created by Charter (common law)
- (b) Corporations created by Statute
- (c) Corporations created by Registration under the Companies Act.

Under the common law the Crown has the power to create corporations. The Monarch may grant a charter to groups of subjects who petition for the purpose. A local authority may wish to become a corporation to give itself added dignity and status: its council will then petition Her Majesty for the grant of a charter. The method is used today, usually to give corporate status to educational, charitable or scientific bodies, e.g. the new universities, the B.B.C.

Corporations created by Statute are those created by Acts of Parliament. Thus, the National Coal Board (now the British Coal Corporation) was created by the Coal Industry Nationalization Act 1946. The County Councils were created by the Local Government Act 1888 (and recreated by the Local Government Act 1972). The Strategic Rail Authority was created by the Transport Act 2000, which replaced the British Railways Board. The Independent Broadcasting Authority was created by the Television Act 1964 (renewed until 1995 in 1980). Parliament has generally adopted this form of incorporation in creating all the nationalized boards.

From the mid-nineteenth century Companies Acts were passed which conferred the benefits of incorporation and limited liability of members on previously incorporated associations of people if they wished to achieve this by registering under the Acts. The present law is to be found in the Companies Acts 1985 and 1989, which replaced earlier Acts. Such companies are called corporations created by Registration under the Companies Acts.

Vocabulary

artificial (ˌɑːtɪʃiəl) искусственный

perpetual беспрерывный

to succeed (sək'siːd) succeeding успешность

to disavow (dɪ'səʊ) отречься

mode способ

disty ('dɪstɪ) достоинство

clarity (klə'reɪtɪ) ясность

to confer (kən'fɜː) дарить,授予

Exercise 8 a. Read and translate the words:

human being

juristic person

entity

charter

individual

legal

distinctive

common

subject

act

to create

to grant

b. Add as many words as you can in each group:

legal

illegal

legalization

to legalize

jury

juror

juristic

to solve

to dissolve

Exercise 9 a. Match and translate the synonyms:

kind

mode

nail

authority

purpose

body

registration

method

power

incorporation

aim

organisation

type

void

b. Choose the right Preposition, read and translate the word combinations:

according (to, with) their mode of creation

to be created (by, with) charter

to have power (with, under) the common law

to grant a charter (to, to) groups of people (for, with) this purpose
to petition the Queen (to, for) the grant of a charter
to give corporate status (to, to) educational, charitable and scientific
institutions

Exercise 10 a. Read and translate the sentences paying attention to this rule:

В придаточных предложениях времени, выражающих будущее действие, после союза *until* сказуемое употребляется в настоящем времени в утвердительной форме:

I shall wait for him until he comes.
Я буду ждать, пока он не придет.

- 1 The corporation will continue until it is destroyed.
- 2 It will go on until it is annulled.
- 3 It will succeed until it is dissolved.
- 4 They will consider the matter until a decision is made.
- 5 We shall play this game until one of us makes a mistake.

b. Translate into English:

- 1 Я буду здесь, пока она не позвонит.
- 2 Мы будем в офисе, пока не получим эти документы.
- 3 Я буду ждать до тех пор, пока он не напишет все письма.
- 4 Они будут рассматривать это дело, пока не выяснит все вопросы.
- 5 Он будет ждать до тех пор, пока на всех спиралях будут поставлены печати.

Exercise 11 a. Use the right Participles, read and translate the sentences:

- 1 The corporation is a juristic person, (to create) by law.
- 2 Corporations (to create) by Statute are those created by Acts of Parliament.
- 3 It was a previously (to incorporate) association.
- 4 (to register) under this Act they became a limited liability company.
- 5 He referred to the Company Act 1985 (to replace) earlier Acts.

b. Translate into English:

- 1 Он говорил о корпорации, созданной в конце XIX века.
- 2 Он сказал, что этот закон, предназначенный для предотвращения закона о корпорациях, очень четкий.
- 3 Существует три типа корпораций, создаваемых на разной юридической основе.
- 4 Я говорю о методе, широко используемом в практике этой страны.
- 5 Закон, принятый 24 мая, не распространяется на эти организации.

Exercise 12 a. Answer these questions:

- 1 With what two types of persons does the British Law of persons deal?
- 2 Is there a similar law in Russian Jurisprudence?
- 3 What does the expression 'perpetual succession', relating to corporations, mean?
- 4 How are English corporations classified according to their mode of creation?
- 5 To whom may the Queen grant charters?
- 6 What types of corporations can the British Parliament create?
- 7 How are other companies created?

b. Retell the text.

Registration

Registration of a company is effected by depositing the following documents with the Registrar of Companies:

- (a) Memorandum of Association
- (b) Articles of Association.

The Memorandum of Association is in effect the charter of the company defining its constitution and the scope of its powers. The Memorandum of a public limited company must state:

- 1 The name of the company, ending with 'public limited company' (plc) or their equivalent in Welsh (ccc) in the case of a company whose registered office is situated in Wales.
- 2 Whether the registered office of the company is situated in England, Wales or Scotland.

- 3 The objects of the company.
- 4 That the liability of the members is limited.
- 5 The amount of share capital, and the division of it.

A private company limited by shares must have 'Limited' as the last word in its name (or its Welsh equivalent, 'cyfyngedig'), the remaining features of its memorandum being items 2 to 5 above.

The *Articles of Association* are regulations governing the internal management of the company. They define the duties of the directors and the mode or form in which the business will be carried on.

These two documents may be distinguished by noting that the *Memorandum of Association* governs the external working of a company, and the *Articles of Association* govern the internal workings.

If no *Articles* are deposited with the Registrar of Companies, model sets of *Articles* (described in the Companies Act) will apply, depending on the type of company to be registered.

In addition to the above two documents, various written declarations must be made by the persons responsible for the promotion or direction of the intended company stating that the statutory requirements of the Companies legislation have been complied with.

Vocabulary

- to deposit [di'pɒzɪt] класть, помещать
 memorandum of association устав юридического лица (регулирующий внешне вопросы компании)
 articles of association устав юридического лица (регулирующий внутренне вопросы компании)
 plc (= public limited company) публичная компания с ограниченной ответственностью (выпускающая свои акции на свободный рынок и публикующая требуемый объем информации о своей деятельности)
 object ['ɒbdʒɪkt] цель
 feature ['fi:tʃə] черта, особенность, признак
 item ['aɪtəm] пункт, параграф, вопрос
 to take into consideration принимать во внимание

Exercise 13 a. Add the missing letters, read and translate the words:

registr...tion

to ed...ct

reg...str...
constit...tion
equ...valent
dat...es

to am...ut
to ill...t
to div...de
to sh...re

b. Translate into English:

выступать	_____	строгий/строгий	_____
местный	_____	законный	_____
расчетный	_____	ограниченный	_____
ответственный	_____	общественный	_____
разный	_____	исключительный	_____

Exercise 14 a. Choose the right form, read and translate the sentences:

- 1 Registration of a company (effects, *is effected*) by depositing a memorandum of association and articles of association.
- 2 The memorandum of association must (note, *be stated*) a few definite items.
- 3 The articles of association (define, *are defined*) the duties of the directors and the form in which the business will (carry on, *be carried on*).
- 4 Besides various written declarations must (make, *be made*).
- 5 The declarations must (state, *be stated*) that the statutory requirements (have complied, *have been complied*) with.

b. Write out the sentence starting with the words 'A private company limited ...' and do the following assignments:

- 1 Underline the principal clause.
- 2 Say what the name of the construction 'the remaining features ... being ...' is.
- 3 Translate the sentence.

Exercise 15 a. Complete the sentences as in the text:

- 1 The Memorandum of Association is in effect ...
- 2 The Articles of Association are regulations governing ...
- 3 These two documents may be distinguished by noting that ...
- 4 If no Articles are deposited ..., model sets of Articles ...
- 5 In addition to the above two documents, various written declarations must be made by ..., stating ...

b. Translate into English:

- 1 сдавать документы на регистрацию _____
- 2 в конце названия должны стоять буквы _____
- 3 надеяться в Уэльсе _____
- 4 назначать на регистрируемых компании и _____
- 5 требования, указанные в законе _____
- 6 капитал в акциях _____
- 7 регулировать внутреннее функционирование _____

Exercise 16 a. Answer the following questions:

- 1 With whom are the basic documents to be deposited for registration purposes?
- 2 What data must the Memorandum of a public limited company contain?
- 3 What are the requirements in case of a private company limited by shares?
- 4 In what way do the Articles of Association differ from the Memorandum of Association?
- 5 What written declarations are also necessary for registration of a company?

b. Sum up the text (in 3 or 4 sentences).

Companies

The three kinds of registered companies are:

- (a) companies limited by shares
- (b) companies limited by guarantee
- (c) unlimited companies

Companies limited by share is the usual form of company, whether public or private. Where a company is limited by shares, each member is liable to the amount (if any) unpaid on his shares. For example, Robinson buys 100 £1 shares in the X plc, for which he pays £50 on application to the company. Robinson's liability in the event of X plc being wound up is to pay the outstanding £50.

In companies limited by guarantee each member undertakes to contribute a certain sum in the event of its winding-up. Thus a member who has guaranteed £10,000 will be liable for that amount if the company becomes insolvent and unable to pay its debts. The member cannot be compelled to contribute more. Under the 1985 Act companies

limited by guarantee and having a share capital are classed as public companies. Companies limited by guarantee but without a share capital are classed as private companies.

Public limited companies must have a minimum of two members (no maximum) and must at all times maintain a minimum issued share capital of £50,000. The shares of such members are freely transferable by sale on the Stock Exchange or elsewhere. The largest industrial and trading companies are public limited companies whose shares are quoted on the Stock Exchange lists.

Private companies must have a minimum of two members (no maximum). They are guilty of an offence if they offer their shares to the public.

An unlimited company is one in which the liability of the members to pay the debts of the company is unlimited. The unlimited company is not common in the business world. Its main use is to hold property or provide services where outside indebtedness will not be large and secrecy of financial affairs is desired. Under the 1985 Act unlimited companies are classed as private companies.

Vocabulary

event случай, событие

to wind up уладить; ликвидировать

limited [lɪmɪtɪd] ограниченный, недостаточный

to transfer [trænzfɜː] передавать, переводить

elsewhere где-либо еще

to quote [kwoʊt] 1) назначать цену; 2) цитировать, ссылаться на

indebtedness [ɪn'deɪtɪdɪnəs] задолженность; сумма долга

Exercise 17 a. Add as many derivatives (derivative – производное, однокоренное слово) as you can and translate all the words:

to register _____

to guarantee _____

to undertake _____

to contribute _____

capital _____

liable _____

b. Match and translate the antonyms:

minimum	external
internal	private
internal	maximum
public	small
certain	agricultural
industrial	commerce
large	indefinite

Exercise 18 a. Choose the right words from the list, read and translate the sentences:

even, winding-up, sole, share, less, guarantee

- 1 In the ... of the public limited company being wound up he was to pay the sum of £10 dollars.
- 2 In companies limited by ... each member undertakes to pay a certain amount in case of the ... of the company.
- 3 Under the 1905 Act companies limited by guarantee and having a ... capital are classed as public companies.
- 4 The shares of public limited companies are freely transferable by ... on the Stock Exchange.
- 5 Their shares are quoted on the Stock Exchange ...

b. Translate into English:

- 1 В случае закрытия компании свои доли они будут выплатить эту сумму.
- 2 В случае продажи фирмы они сами будут оформлять эти документы.
- 3 Их капитал в виде вкладов составляет огромную сумму.
- 4 Он спросил, кому принадлежат акции этой компании на бирже.
- 5 Я не знаю, находится ли их вклад в свободном обращении.

Exercise 19 Use the right Articles where necessary, read and translate the sentences:

- 1 Companies limited by ... share is the usual form of ... company.
- 2 This company is limited by ... shares.
- 3 ... outstanding sum will be 50 pounds.
- 4 He asked what ...outstanding amount was.
- 5 Each member of the company is liable to ... amount repaid on his shares.

- 6 The general director paid this amount on application to ... company.
- 7 I am afraid ... company may be wound up.

Exercise 20 a. Translate the text into Russian.

b. Draw a diagram showing all the types of companies mentioned in the text.

c. Present your diagram to your group-mates. Try to use some of the following:

I can give you a very illustrative example, if you wish.

Would you like me to describe ...?

Do you follow me?

As far as I know ...

Other juristic persons

Among other juristic persons there are unincorporated associations, partnerships, trade unions and employers' associations.

Unincorporated associations differ from corporations in that they (the associations) do not have a distinct legal personality separate from the members themselves. Common examples include societies and clubs such as a local tennis club, a college library society, or arts group. Partnerships and trade unions are also unincorporated associations.

A partnership is defined by the Partnership Act 1890 as 'the relation which subsists between persons carrying business in common with a view of profit'. The relationship between the partners may be created orally, in writing, or by conduct. Frequently, a deed of partnership is drawn up legally to define the rights and duties of the partners. The Limited Liability Partnership Act 2000 introduced the concept of Limited Liability Partnership.

A trade union may be defined as a combination of workmen whose principal object is collective bargaining for wages or conditions of work. The 1992 Act provides that all unions are to have certain of the attributes of corporate bodies, e.g. the power to sue and be sued in their own names.

The acts require the Certification Officer to maintain lists of trade unions and employers' associations, and lay down administrative and accounting requirements with which trade unions and employers' associations have to comply.

The law regards trade unions, partnerships, and other unincorporated associations as a collection of persons bearing individual responsibility for the association's actions. So, where an official of an association (e.g. a secretary) makes a contract for the purchase of goods for the common use, the official is personally liable on such contract either alone or jointly with the committee which authorized it.

Where a tort is committed by an individual member that person will be responsible in law. Where a committee is appointed to act on behalf of a number of people, the committee may, however, be held liable for any action which they authorized. Here is an example:

Brown v. Lewis (1888)

The committee of a football club authorized the repair of a football stand for use by the public. The repair was faultily performed and a member of the public was injured when the stand collapsed. Held: that the committee authorizing the repair was liable.

Vocabulary

incorporated зарегистрированный

to admit принимать; одобрять

irregularity ['ɪrɪkʊlənti] часто

collective bargaining коллективный договор (между представителями и профсоюзом)

to collapse рухнуть, терпеть крах

to authorize ['ɔ:θəraɪz] уполномочить

to repair [rɪ'peə] отремонтировать

Exercise 21 a. Write and translate the corresponding Adjectives with negative prefixes:

incorporated	—	_____
legal	—	_____
responsible	—	_____
different	—	_____
distinct	—	_____

frequent — _____
 profitable — _____

b. Write as many Adjectives as you can which can be used before these nouns:

_____ persons
 _____ associations
 _____ companies
 _____ examples
 _____ clubs

Exercise 22 a. Write a few sentences using these word combinations:

- 1 to differ from each/with _____
- 2 to be separate from each/with _____
- 3 to be defined by each _____
- 4 in common with each _____
- 5 relationship between each/with _____

b. Translate into English:

- 1 Вы обсуждали все пункты этого коллективного договора?
- 2 В нем определены условия труда?
- 3 Он спросил, какие права имеют профсоюзы?
- 4 Я не знаю, несут ли они коллективную ответственность.
- 5 В этом случае каждый сотрудник несет личную ответственность.

Exercise 23 a. Write a plan of the text and retell it accordingly.

b. Answer these questions:

- 1 Why was the case of Brown v. Lewis quoted in the text?
- 2 What was the judgement?
- 3 Do you think it was fair?

c. Write an essay on one of the topics:

- 1 There are many types of juristic persons in the legislation of the UK.
- 2 Is the classification of juristic persons similar in the Russian legislation?
- 3 Is it necessary to know the classification of main legal terms?

Section 4 Speaking English

The Crown

At a lesson at Davies' School of English

Teacher: I hope you have all read the text about the Crown. Let me ask you a few questions to see how well you remember the facts. What is the Crown?

Ann: If I remember it properly, the expression 'the Crown' may be used to describe the Sovereign, or the Queen, in her personal capacity and the Sovereign as Head of State, in her corporate capacity.

Teacher: Very good. And what is the Crown in its corporate capacity?

Peter: It includes Ministers, the Government departments and the Civil Service.

Teacher: And do you remember two ancient maxims of the common law about the Crown which are still in force?

Mike: I do not remember them by heart but I have copied them. Let me read them. The first maxim says 'No action can be brought against the King or Queen personally, for he cannot be sued in his Courts.' And the other is very short and sounds like a proverb, it says 'The King can do no wrong.'

Teacher: And how could you say it in your own words?

Mike: It means The Queen could not and cannot be sued personally for any wrong she has committed in person. And as a corporate body the Crown is immune from legal liability.

Kate: And I'd like to add a few words about the Crown as employer. It is one of the largest employers of labour in Britain. The Trade Union Act 1902 applies to Crown employment in the same way that it does to other employment.

Paul: And I liked the expression 'at the pleasure of the Crown'. In the past a civil servant held office 'at the pleasure of the Crown'. In other words he was dismissible at the Royal pleasure. And now only members of the Armed Forces can be discharged 'at the pleasure of the Crown'.

Vocabulary

sacred *святая*

by heart [fact] *наизусть*

proverb [f'provb] *поговорка*

pleasure *удовольствие; воля, желание, усмотрение; at pleasure по усмотрению*

to dislike *не любить*

Exercise 24 a. Read these words paying attention to reading the combination *ow*:

crown

low

town

now

power

to own

own

owner

ownership

Owen

down

follow

Owbridge

known

brown

b. Read these questions paying attention to the intonation:

General questions

- 1 Do you remember these *↑* sayings?
- 2 Are they still in *↑* force?
- 3 Can you say it in your own *↑* words?
- 4 Could you re[↑]peat it?
- 5 Would you trans[↑]late it?

Special questions

- 1 What is the *↘* Crown?
- 2 How can you trans[↘]late it?
- 3 Who can trans[↘]late it?
- 4 Where was this word *↘* used?
- 5 When did he *↘* use it?

Exercise 25 a. Read and reproduce the talk.

b. Sum up what the teacher said about the Crown.

Section 5 Illustrations

The Crown Proceedings Act 1947

This Act was passed as a result of the unsatisfactory state of the law regarding legal proceedings against the Crown. The main object was to place the Crown in the same position, as far as possible, as a private person or employer, i.e. able to sue and be sued for breaches of contracts or for torts committed by servants. The Act does not affect the Queen's personal immunity from legal proceedings.

The Act provides that actions for breach of contract may now be brought as of right against the Crown, without the need to obtain the fiat of the Attorney-General.

Section 2(1) of the Act provides that 'the Crown shall be subject to all those liabilities in tort to which, if it were a person of full age and capacity, it would be subject:

- (a) in respect of torts committed by its servants or agents
- (b) in respect of any breach of those duties which a person owes to his servants or agents at common law by reason of being their employer
- (c) in respect of any breach of the duties attached at common law to the ownership, occupation, possession or control of property'.

Crown Servant is referred to as an officer. Section 2(8) of the Act defines the term 'officer' (in respect of whose actions the Crown now assumes liability in tort) as follows: the 'officer' shall

- (a) be appointed directly or indirectly by the Crown; and
- (b) be paid in respect of their duties as an officer of the Crown at the material time wholly out of the Consolidated Fund, moneys provided by Parliament, the Royal Fund, or any fund certified by the Treasury.

The police are not wholly paid out of such funds, hence the Crown is not subject to liability for torts committed by them.

Vocabulary

as of right **по праву**

fiat (*Lat.*) **распор, указ, приказ**

to be subject to **подвергаться**

bees of crown, **государственно**

Exercise 26 a. Translate the following paying attention to the word order:

the Crown Proceedings Act
Crown employment
corporate employee

union employee
non-union employee
plaintiff employee

b. Translate the following paying attention to the infinitives:

- 1 the main object was *to place* the Crown in the same position
- 2 a private person is *able to sue and be sued*
- 3 these actions may be *brought* against the Crown
- 4 the officer shall *be appointed* directly or indirectly
- 5 the officer shall *be paid out of* definite funds

c. Translate the text into Russian.

Section 6 Test

Choose the correct alternative

- 1 In some countries smoking in public places is ...
 - a *prohibiting*
 - b *prohibited*
 - c *prohibit*
 - d *prohibits*
- 2 The exact meaning of 'torture' in the European Convention ... in the judgement of Ireland v. UK, 1978.
 - a *defined*
 - b *defines*
 - c *has defined*
 - d *was defined*
- 3 To assess damages, the court will consider the exact nature and extent of the injury ...
 - a *suffered*
 - b *suffering*
 - c *is suffered*
 - d *is suffering*

- 4 Some people believe that only the death penalty will really ... terrorists.
- be deterred
 - deter
 - detering
 - deterred
- 5 International Law provides that basic human rights shall ...
- protect
 - have protected
 - protected
 - be protected
- 6 He was convicted ... murder and sentenced to life imprisonment.
- of
 - in
 - with
 - within
- 7 Several different arguments were presented ... favour of the plaintiff.
- to
 - for
 - in
 - at
- 8 The exact effect of a statute depends ... the way it is interpreted by the judiciary.
- on
 - of
 - in
 - by
- 9 States must not derogate ... their international obligation.
- at
 - from
 - with
 - to
- 10 Most summary offences must be tried within 6 months, but there is no time limit for trial ... indictment.
- to
 - in
 - on
 - by

- Section 1: *Grammar* The construction 'to suggest that smb should do smth'
- Section 2: *Word formation* Compound Nouns
- Section 3: *Tasks*
- 1 Classification of contracts
 - 2 Intention to create legal relations
 - 3 Arbitration
 - 4 Arbitration procedure
- Section 4: *Speaking English* At a business talk
- Section 5: *Illustrations* An extract from a contract
- Section 6: *Word game*

Section 1 Grammar

The construction *to suggest that smb should do smth*

After the verbs *to suggest*, *to order*, *to insist*, *to recommend*, *to request*, *to require*, *to demand*, *to urge* Object Clauses are usually used with predicates expressed by

should + infinitive (without particle *to*).

He suggested that we *should discuss* that problem the next day.

Он предложил нам обсудить эту проблему на следующем зан.

Sometimes in these constructions the verb *should* is omitted.

Exercise 1 Read and translate the sentences:

- 1 The officer ordered that all those present should immediately leave the building.
- 2 We insisted that the case should be heard not later than at the end of the month.

- 3 The council recommended that all the members should participate in the conference.
- 4 He requests that the company should reimburse all his expenses.
- 5 The officials require that all the duties should be paid in due time.
- 6 They demand that all the declarations should be made in two languages.
- 7 He urged that the speaker should answer all the questions of the audience.

Exercise 2 Complete, read and translate the sentences:

- 1 The professor insisted that the students ...
- 2 We requested that they ...
- 3 The police ordered that the driver ...
- 4 The judge demanded that the witness ...
- 5 The secretary required that the visitor ...
- 6 The chief ordered that all the employees ...
- 7 He suggested that ...

Exercise 3 Read and reproduce these mini-dialogues:

- Did he agree to write these letters?
- Oh, no. He suggested that we should do that by ourselves.
- I hope you have already settled all the problems.
- Unfortunately, we have not. They insist that we should attach all the certificates.
- Their company is winding up, isn't it?
- That's true. The authorities ordered that the winding-up be completed in May.

Exercise 4 Translate into English:

- 1 Председатель предложил нам заслушать этот доклад во второй промежуток дня.
- 2 Комитет просит, чтобы все приняло участие в голосовании.
- 3 Председательствующий потребовал, чтобы были приведены примеры.
- 4 Они предложили всем остаться на месте.
- 5 Он рекомендовал всем участникам конференции ознакомиться с этой работой.

Section 2 Word formation

Compound Nouns

A Compound Noun is made up of more than one word and functions as a noun. Compound nouns may be written as one word or with a hyphen:

blackmail (black, mail)	вымогательство
baseball (base, ball)	бейсбол
outlook (to look out)	перспектива
letter-box (letter, box)	почтовый ящик
mother-tongue (mother, tongue)	родной язык

Exercise 5 a. Match the English and Russian equivalents:

pickpocket	похититель вещей
kidnapper	перекрестный двор
shop-lifter	человек вне закона
outlaw	незаконный вор
cross-examination	вор-карманник
breakthrough	недосяжок
drawback	крупное достижение

b. Translate these Compound Nouns:

landlord	pen-name
supermarket	baby-sitter
Internet	word-processing
greenhouse	food-processor
oaring	tea-bag
windscreen	level-crossing
footlights	breath-test
typewriter	break-up

Exercise 6 Explain the formation of Compound Nouns, read and translate the sentences:

- 1 There has been a *break-out* from the local prison. (escape)
- 2 In response to the pay offer, there was a *walk-out* at the factory. (strike)
- 3 They have a rather rapid *staff turnover*. (change)
- 4 Last month saw a tremendous *shoot-up* in personnel. (change)

- 5 There is going to be a *crack-down* on public spending. (action against)
- 6 They never expected the *break-up* of the USSR. (collapse)
- 7 The *takeover* of one of the leading hotel chains has just been announced. (purchase by another company)

Exercise 7 a. Choose the right Compound Noun, read and translate the sentences:

breakdown, outcome, follow, onset, feedback

- 1 It will be a long before the consequences of ... from Chernobyl are no longer felt.
- 2 Many of the problems were caused by a ... in communications.
- 3 The ... of the situation was not very satisfactory.
- 4 TV companies always welcome ... from viewers.
- 5 It was clear from the ... that the situation would cause problems.

b. Guess the meaning of the words in *italics* from the context and translate the sentences:

- 1 I'm sorry I'm late. There was a terrible *hold-up* on the bridge.
- 2 The robbers made their *getaway* in a stolen car.
- 3 Their car was a *write-off* after the accident.
- 4 There is an interesting *write-up* of the match in today's paper.
- 5 The papers are claiming the Prime Minister organized a *cover-up*.

Section 3 Texts

Classification of contracts

Contracts may be classified under the following headings:

- (a) Contracts of Record
- (b) Specialty Contracts
- (c) Simple Contracts

Contracts of Record include Judgements of a Court and Recognition.

Specialty Contracts are used for various transactions such as conveyances of land, a lease of property for more than three years, and articles of partnership.

Simple Contracts may be made orally, in writing, or implied by conduct. There are the following types of such contracts:

An express contract is one where the terms are stated in words (orally or in writing) by the parties.

An implied contract is one in which the terms are not expressed but are implied from the conduct or position of the parties. For example, if someone goes into a restaurant, takes a seat and is supplied with a meal, the law will imply a contract from the very nature of the circumstances, and the customer will be obliged to pay for it. Similarly, where money which is not due is paid by mistake, the law implies a contract by the person paid to refund the money.

An executed contract is one wholly performed on one or both sides. For example, on 1 June Arnold agrees to dig Besset's garden in August if Besset pays Arnold £10 on 1 July. When Besset pays the £10 and Arnold digs the garden the contract will be executed so far as Arnold and Besset are concerned.

An executory contract is one which is wholly unperformed, or in which there remains something further to be done on both sides. For instance, the contract in the above example is executory between 1 June and 1 July, for the contract is wholly unperformed until Besset pays Arnold £10. Many examples occur in relations to goods, as when a customer agrees to buy a car for £18,000 in the following year, payment to be made on delivery.

Vocabulary

binding agreement

record ['rekɔ:d] договор, облеченный в публичный акт

specialty contract договор за печатью

simple contract неформальный договор

express contract явно выраженный договор

implied contract подразумеваемый договор

obligation [ə'leɪʒəntʃən] обязательство, данное в суде (заявленное в судебный протокол)

party сторона; **an. side; party to the contract** сторона — участник контракта

to be obliged быть обязанным

executed contract договор о исполнении в момент заключения

to dig копать

as far as one is concerned что касается кого-либо

судебный контракт договор с поручением и обязанность
to remain obligated

Exercise 8 a. Write the Verbs from which these Nouns are formed,
read and translate the words:

classification	_____	translation	_____
transaction	_____	agreement	_____
conveyance	_____	existence	_____
judgement	_____	expression	_____
implication	_____	obligation	_____

b. Read and translate these words:

to contract	—	contract	contractual
to record	—	record	records
to conduct	—	conduct	conductor
to use	—	use	user
to lease	—	lease	lesser
to supply	—	supply	supplier
to refund	—	refund	non-refund
to show	—	show	show-man

c. Add as many derivatives as you know, read and translate the
words:

to execute	_____
to agree	_____
to pay	_____
to perform	_____
to occur	_____

Exercise 9 a. Read and translate these word combinations:

- 1 judgement of a court _____
- 2 lease of property _____
- 3 to be made orally _____
- 4 to be made in writing _____
- 5 to be implied by conduct _____
- 6 money is paid by mistake _____
- 7 to refund the money _____

b. Choose the right Preposition and translate the word combinations:

- 1 to classify contracts (*in, under*) the following headlines
- 2 conveyance (*in, of*) land
- 3 to be supplied (*in, with*) something
- 4 (*at, in*) the circumstances
- 5 (*at, for*) example
- 6 (*at, for*) instance
- 7 (*at, in*) the following year

Exercise 10 Write out the sentence starting with the words 'An executory contract is one ...' and do the following assignments:

- 1 Underline the principal clause
- 2 Write the word instead of which the pronoun *one* is used.
- 3 Say if the construction 'there remains something' is similar to 'there is something'.
- 4 Underline the Passive Infinitive used in the sentence.
- 5 Translate the sentence.

Exercise 11 Translate into English using the words marked:

- | | |
|-----------------------|-----------------------|
| a) <i>due</i> | b) <i>to occur</i> |
| 1 своевременно | 1 случаться с товаром |
| 2 причитающаяся сумма | 2 случаться часто |
| 3 должный платеж | 3 случаться редко |
- c) *to be obliged*
- 1 Они должны платить своевременно.
 - 2 Они должны оплатить товар.
 - 3 Они должны исполнить контракт.
- d) *so far as one is concerned*
- 1 что касается этой стороны контракта
 - 2 что касается этой компании
 - 3 что касается этого товарищества

Exercise 12 a. Draw a diagram showing all the types of contracts described in the text.

b. Present the diagram to your group-mates. Try to use some of the following:

*There are many ways of showing ...
It is all very easy, but still ...
If you don't mind, I can cite a few examples of ...*

Intention to create legal relations

A contract is an agreement that is intended to have legal consequences. Whether or not an agreement is intended to have such consequences is not always easily determined.

In all cases coming before the courts, evidence (oral or written) will be required to substantiate the existence of a legal agreement. In commercial and business relations the law will presume that the parties entering into agreement intend those agreements to have legal consequences. However, this presumption may be negated by express terms. Here is an example:

Rose & Frank Co. V. Crompton & Bros. Ltd. (1925)

Plaintiffs were appointed selling agents in North America for the defendants, and the parties entered into an agreement which included the following: 'This arrangement is not, nor is this memorandum written as, a formal or legal agreement and shall not be subject to legal jurisdiction in the law courts.'

Held: that this agreement was not a legally binding contract. The court stated it would respect the intention of the parties as shown in the agreement.

Although the terms used in the agreement considerably limit the effect of the rights of the parties, it is not possible to make an agreement which ousts the jurisdiction of the courts of law. Access to the courts of law is open to all persons to test their rights, and it is for the courts to decide whether rights do or do not exist or whether a remedy will or will not be granted.

Moreover, the parties may agree to arbitration which is a common method of settling disputes in commercial contracts.

Vocabulary

to intend намереваться

to substantiate with evidence доказывать документально, свидетельствовать

to presume [pr'zju:m] предполагать, полагать, считать

to end [ait] *terminare*, *interrompere*, *interrompere* *interrompere*, *interrompere*
 access ['ækses] *apertio*

Exercise 13 a. Group these words into the two columns and translate them:

agreement	intend	determine	jurisdiction	access
court	appoint	author	order	legalise
case	encase	bind	agent	consider
law	decide	decision	requirement	presumption

<i>Verbs</i>	<i>Nouns</i>

b. Write what Parts of Speech the words in *italics* are, read and translate the sentences:

- 1 In all such cases, evidence is required to *substantiate* the existence of a legal agreement.
- 2 The court stated it would *respect* the intention of the parties.
- 3 These terms considerably *alter* the effect of the rights of the parties.
- 4 Access to the courts of law is open to all persons to *test* their rights.
- 5 It is a common method of *settling* disputes.
- 6 Various disputes may arise in the execution of commercial *contracts*.
- 7 They are going to *contract* with another firm to build the bridge.

Exercise 14 Use the right Articles where necessary, read and translate the sentences:

- 1 Here is ... very good example.
- 2 Here are ... few examples.
- 3 ... example is not very clear.
- 4 It is ... common method of settling ... disputes.
- 5 They have chosen ... different method.
- 6 In ... circumstances they were absolutely right.
- 7 This agreement is not ... legally binding contract.

Exercise 15 Translate into English paying attention to the opening phrases in each sentence:

- 1 Хотя эти условия и ограничивают их права, но сейчас ничего нельзя изменить.
- 2 Более того, они согласились передать дело в арбитражный суд.
- 3 Поэтому они постарались учесть юридические последствия.
- 4 Несмотря на это, они исключили оспаривание.
- 5 Словом бы проверить, как реализуются их права.
- 6 Как им странно, они еще не урегулировали этот спорный вопрос.
- 7 Насколько мне известно, контракт является обязательным к исполнению обеими сторонами.

Exercise 16 a. Complete the sentences as in the text and translate them:

- 1 A contract is an agreement ...
- 2 Whether or not an agreement is intended to have such consequences ...
- 3 In all cases coming before the courts, evidence will be required to substantiate...
- 4 The law will presume that the parties entering into agreement intend ...
- 5 Although the terms used in the agreement considerably limit the effect of the rights of the parties, it is not possible...
- 6 Access to the courts of law is open ... rights.
- 7 It is for the courts to decide whether rights do or do not ...

b. Retell the case cited in the text.

Arbitration

Arbitration is the reference of a matter in dispute to one or more persons called arbitrators. Usually three arbitrators are appointed to consider wage disputes between employers' and employees' organizations if both sides so agree. Arbitration may be used as an alternative proceeding to litigation. So instead of bringing an action in a court of law the parties may agree to submit a dispute to arbitration, and whilst it is not a court process, the decision of the arbitrator will be binding on the parties to the dispute.

The general principles upon which arbitration is based are set out in the Arbitration Act 1996, as follows:

The parties are to obtain a fair resolution of disputes by an impartial tribunal without unnecessary delay;

The parties are to be given freedom to agree how to resolve their disputes; and

The court is to intervene only in prescribed circumstances.

Contracts often include a clause for arbitration in the event of disagreement between the parties, and an arbitration agreement is often incorporated in partnership agreement should disputes occur among partners.

A clause may provide for the appointment of a sole arbitrator or two arbitrators (one may be appointed by each party to a dispute). Where the appointment of two arbitrators is expressly provided for, it is implied that they should appoint an umpire to take up the reference in the event of failure of the arbitrators to agree. High Court judges may now be appointed as arbitrators in certain cases. Members of the Bar are often appointed.

Vocabulary

matter in dispute ['dʒʌpʌt] спорный вопрос

litigation литье, судебный спор, процесс

to submit a dispute to arbitration передать спорное дело в арбитраж
whilst пока

impartial [ɪm'pɜ:ʃl] беспристрастный, справедливый

to resolve решить(ся)

to intervene вмешиваться, вступать в процесс

sole arbitrator ['æbitreɪtə] единоличный арбитр

umpire третейский судья, судья-посредник

Exercise 17 a. Add the missing letters, read and translate the words:

arbitr...tion

arb...trator

...mpire

employ...s

refer...nce

pro...ceeding

co...rt

de...cy

employ...o

lit...gation

part...ership

jud...e

b. Write and translate the corresponding Adjectives:

expressly	_____	freely	_____
alternatively	_____	arbitrarily	_____
generally	_____	naturally	_____
impartially	_____	considerably	_____
necessarily	_____	substantially	_____
unnecessarily	_____	differently	_____

Exercise 18 a. Add as many Nouns as you can, read and translate the word combinations:

impartial opinion, judgement, _____
sole arbitrator, agent, _____
alternative company, decision, _____
general ideas, _____
fair words, _____
prescribed medicine, _____
certain papers, _____

b. Translate into Russian:

wage dispute	arbitration agreement
arbitration act	partnership agreement
gentlemen agreement	collective bargaining agreement

Exercise 19 a. Choose the right Infinitive from the list, use it in the right form, read and translate the sentences:

to use, to agree, to appoint, to consider, to come, to take

- 1 Usually three arbitrators are appointed ...disputes.
- 2 Arbitration may ... as an alternative proceeding to litigation.
- 3 The parties may ... to submit a dispute to arbitration.
- 4 One arbitrator may ... by each party to a dispute.
- 5 The two arbitrators should appoint an umpire ... up the reference in the event of failure of the arbitrators ... to an agreement.

b. Translate into English:

- 1 Боюсь, что мы не сможем прийти к соглашению.
- 2 Они могут выбрать суперарбитра.
- 3 Вы уже назначили своего арбитра?
- 4 Когда они передадут дело в арбитраж?
- 5 Это наш первый спорный вопрос.

Exercise 20 Translate into Russian paying attention to the following rules:

Если волею судеб *to be subject* вмешательству, то судом *to be represented* как должник.

- 1 The parties are to obtain a fair resolution of disputes.
- 2 The parties are to be given freedom to agree how to resolve their disputes.
- 3 The court is to intervene only in prescribed circumstances.
- 4 They are to write a letter to them today. They promised so.
- 5 He is to go on holiday in May. This is the schedule.

Если в начале арбитражного уголовного proceedings
отом гласом *should*, то арбитражное предложение
переводится *should* со слов на том случае,
если.

- 1 An arbitration agreement is often incorporated in partnership agreement should disputes occur among partners.
- 2 Leave a few invitation cards should these people wish to come.
- 3 Take your umbrella should it rain.

Если судом в арбитражном заказе требует ускорения
существующего с предлогом, то предлог
станет после глагола, а существительное
станет подлежащим предложению.

- 1 The appointment of two arbitrators was provided for.
- 2 This paper is being looked for.
- 3 He was laughed at.
- 4 He is widely spoken of.
- 5 Has the interpreter been sent for?

Exercise 21 a. Translate into Russian paying attention to the Preposition *instead of*

- 1 Instead of bringing an action in a court the parties submitted the matter to arbitration.
- 2 Instead of settling the matter amicably the parties referred the matter to arbitration.
- 3 Instead of reading the materials in the library he tried to search for them in the Internet.

- 4 He went to see the witness at her place instead of inviting her to the office.
- 5 He stayed in town instead of going to the country.

6. Translate into English:

- 1 Вместо того чтобы назначить единоличного арбитра, они передали дело в суд.
- 2 Вместо того чтобы обдумать все заранее, они решили задать эти вопросы в суде.
- 3 Предоставить объявил перерыв вместо того, чтобы пролонгировать заседание на следующий день.

Exercise 22 a. Answer the following questions:

- 1 What is arbitration?
- 2 What are the general principles of arbitration?
- 3 Do contracts usually provide for arbitration?
- 4 How many arbitrators can consider a dispute?
- 5 When is an umpire appointed?

b. Retell the text.

Arbitration procedure

Arbitration procedure is governed by the Arbitration Acts 1980, 1979, 1970 and 1968, together with Part V of the Courts and Legal Services Act 1990, and the statutes which provide for statutory references. The Court has an unfettered discretion under the Arbitration Act 1980, s10(1) in deciding whether or not to appoint an arbitrator to a dispute. Unless the parties have agreed otherwise, the case must be decided according to the normal rules of English law and procedure. The parties often agree to dispense with strict rules of evidence. The arbitrator has power to order discovery and inspection of documents and to examine witnesses, etc.

After hearing the evidence it is usual for the arbitrator to notify each party when he or she has come to a decision, and they may require payment of their fees before publishing the award. The losing party may be required to pay the costs of the arbitration proceedings, including the arbitrator's fees.

If a losing party refuses to carry out the terms of an award, an order may be obtained from the High Court to compel its enforcement in the same way as a judgement of the court.

There is now a right of appeal to the High Court on a question of law arising out of the award with the consent of the parties or by leave of the court, unless validly excluded by agreement.

Vocabulary

to arbitrate *осуждаться*

discretion [*dis'trikʃən*] *благоусмотрение*

to agree *согласиться договориться о* *протинном*

to dispense with *with* *обойтись без чего-либо*

to settle *sett* *of* *with* *содвинуть* *кстати-либо* *о* *чем-либо*

award [*ə'wɔ:d*] *решение (арбитража); to award a sentence* *вынести приговор*

losing party *проигравшая сторона*

by leave of the court *с разрешения суда*

valid [*'vælɪd*] *правомочный; неоспоримый*

Exercise 23 a. Read and translate these words and word combinations:

procedure

to govern

legal services act

to be governed

statute

to require

statutory

to compel

consent

to exclude

unless the parties have agreed otherwise

to order discovery and inspection of documents

to examine witnesses

b. Use the right Prepositions and translate these word combinations:

1 these statutes provide ... statutory references

2 an arbitrator ... a dispute

3 to decide the case according ... the normal rules

4 to dispense ... strict rules of evidence

5 to come ... a decision

6 to come ... an agreement

7 a right of appeal ... the High Court

Exercise 24 a. Translate these words:

arbitration
arbitrator
award

arbitrage
arbitrer
arbitrement

b. Match the equivalents:

arbitrate	реши́тый в арбитра́жном порядке
arbitrated	реши́ть в арбитра́жном порядке
arbitrable	арбитра́жный
arbitral	подлежа́щий рассмотре́нию в арбитра́жном порядке
arbitrary	произво́л, самоуправство
arbitrarily	произво́льный
arbitrariness	произво́лю

c. Translate these word combinations:

commercial arbitration	state arbitration
common law arbitration	arbitration agreement
international arbitration	arbitration proceedings
labour arbitration	arbitration procedure

Exercise 25 a. Complete the sentences as in the text:

- 1 The parties often agree to dispense with ...
- 2 The arbitrator has power to order discovery and inspection ...
- 3 The losing party may be required to pay ... including ...
- 4 If a losing party refuses to carry out ... an order may be obtained ... as a judgement of the court.
- 5 There is now a right of appeal ... arising out of the award with the consent ... or by leave...unless validly excluded ...

b. Translate into English

- 1 право арбитража по арбитражному вопросу _____
- 2 вопрос, связанный с принципами арбитража _____
- 3 с согласия обеих сторон _____
- 4 с разрешения суда _____
- 5 обязанность исполнять решение арбитража _____

c. Answer the following questions:

- 1 When may the arbitrators require payment of their fees?

- 2 What party may be required to pay the costs of the arbitration proceedings?
- 3 Does the dissatisfied party have a right of appeal?

Exercise 26 Write an essay on one of the topics:

- 1 When choosing to submit the matter to arbitration what should the parties consider?
- 2 Is arbitration similar to hearing cases in court of law?
- 3 Contracts and arbitration.

b. Reproduce the essay for your group-mates.

Section 4 Speaking English

At a business talk

Representatives of the Buyers and of the Sellers are finalizing their negotiations on signing a contract.

Seller: I am very glad we have practically discussed all the terms of the contract and come to an agreement.

Buyer: As far as I remember, some time ago you mentioned the Conditions. Your Standard Conditions of the contract, which is a part of the contract.

Seller: Yes, they make an integral part of the contract. The Buyers usually look them through and agree to them. They are standard and they usually arise no questions.

Buyer: But since it is our first transaction we would like to have a look and study them, if we may.

Seller: Why, certainly. Here is a copy of our Standard Conditions of Sale.

Buyer: Thank you. I suppose I'll study them today and if I have any questions we shall discuss them tomorrow.

Seller: At what time shall we meet tomorrow?

Buyer: At 10, if it suits you.

Seller: Good. See you tomorrow at ten here.

Buyer: Fine. Thank you. And good-bye.

Seller: Good-bye.

Vocabulary

representative |,repɪˈzɛntətɪv| представителем

to finalise окончательно согласовать

negotiations переговоры

to standardise унифицировать, стандартизировать; standardise унифицировать, стандартизировать

to suit (sb/sth) устраивать, подходить

Exercise 27 a. Read the words paying attention to the stress:

to ,repɪˈzɛnt

to nɪˈɡoʊtiəts

a ,repɪˈzɛntətɪv

nɪˈɡoʊtʃənz

,repɪˈzɛntətɪv

nɪˈɡoʊtʃər

ˈnɒn-,repɪˈzɛntətɪv

nɪˈɡoʊtɪəbəl

,repɪˈzɛntətʃən

ˈnɒn-nɪˈɡoʊtɪəbəl

b. Read the sentences paying attention to the intonation:

- 1 I am very /glad : we have practically discussed all the terms of the \contract.
- 2 As far as I re/member, : some time ago you mentioned the Con\ditions.
- 3 The Buyers usually look them /through | and \agree to them.
- 4 But since it is our first trans/action | we would like to have a look and \study them.
- 5 If I have any /questions | we shall discuss them to \morrow.

Exercise 28 a. Use the right Articles if necessary, read and translate the sentences:

- 1 We have practically discussed all ... terms of ... contract.
- 2 I am glad we have come to ... agreement.
- 3 Some time ago you mentioned ... Conditions.
- 4 They make ... integral part of ... contract.
- 5 They are ... standard.
- 6 We would like to have ... look at ... Standard Conditions.
- 7 In this case we shall discuss ... Conditions tomorrow.

b. Translate into English observing the Rules of the Sequence of Tenses:

- 1 Представитель фирмы сказал, что эти условия являются неотъемлемой частью контракта.
- 2 Он добавил, что обычно они (условия) не вызывают вопросов.
- 3 Он спросил, на какое время они назначили заседание суда.
- 4 Ему ответили, что он может прийти в 10 часов.
- 5 Она уточнила, где они встретятся.

Exercise 29 a. Read and reproduce the dialogue.

b. Sum up the dialogue in two or three sentences.

c. Translate into Russian:

terms of loan

terms of payment

terms of delivery

time of delivery

terms and conditions of a

contract

Section 5 Illustrations

An extract from a contract

Clause 22: Force Majeure

The concept Force Majeure causes include floods, fire, lock-out, the act of Government or other competent authority, war or riot and other causes of similar exceptional character and far reaching hindrance outside the Parties control but excluding the goods sold and bought under this Contract.

Neither of the Parties shall be liable to the other Party for any loss whatsoever caused by its delay or failure in meeting its obligations hereunder or any part thereof through any cause outside its reasonable control (Force Majeure) and which cause was not known to the Party claiming Force Majeure at the time of signing this contract. It is expressly understood that no circumstances shall be considered an event of Force Majeure, which the Party invoking the event of Force Majeure ought to have taken into account on the date of signing this Contract.

A Party's performance may only be postponed for such a time, as the performance necessarily has had to be delayed on account of Force Majeure.

Vocabulary

cases (kox) причина; through this case по этой причине

leads (ludz) невыполнение

hindrance препятствие, помеха, програв

to meet one's obligations выполнить свои обязательства

hereafter далее здесь

thereof того, этого, своего (упом. в документе)

to take into account принять во внимание

Exercises 30 a. Translate into Russian:

- 1 the concept of force majeure cases
- 2 far reaching hindrance outside their control
- 3 neither of the parties
- 4 to be liable to the other party
- 5 any loss caused by the delay
- 6 any loss whatsoever caused by the delay

b. Translate into English:

- 1 невыполнение обязательств _____
- 2 обязательства по данному контракту _____
- 3 или его любой части _____
- 4 вне его контроля _____
- 5 сторона — заявитель о наступлении форс-мажора _____
- 6 причины которого _____
- 7 четко понимается _____
- 8 они должны были быть приняты во внимание _____
- 9 исполнение контракта _____
- 10 он (контракт) должен быть отложен в исполнении из-за форс-мажора _____

c. Translate the extract into Russian.

Section 6 Word game

Use the right law terms, the number in brackets refers to the number of letters in each word:

- 1 A(6) is a subject or citizen of a state.
- 2(5) rights are fundamental rights of man, such as the right to life, the right to freedom of thought and the right to work.
- 3(11) is a procedure for the settlement of disputes by one or more independent third parties on a domestic or international level as an alternative to judicial proceedings.
- 4 A person is(6) of the offence with which he is charged if he is found guilty of it.
- 5 (8) is written or spoken statements of facts, or objects which help to prove something at a trial.
- 6 (6) is legal responsibility for ones actions together with an obligation to repair any injury caused.
- 7 State(11) is supreme power in a State: full legislative, executive and judicial powers of a State on its territory.
- 8 (6) of all law, contract, obligation, etc. Means its violation or non-respect.
- 9 A bilateral(8) is a binding international agreement in writing between two States.
- 10 When a person who kills has used reasonable force in the circumstances to defend himself against attack, he can(5) self-defence to a charge of murder.

- Section 1: *Grammar* The Construction 'It is important that smb should do smth'
- Section 2: *Word formation* Compound Adjectives
- Section 3: *Tests*
- 1 Definition of a trust
 - 2 Private trusts
 - 3 Public (or charitable) trusts
 - 4 Trustees
- Section 4: *Speaking English* Trust corporations
- Section 5: *Illustrations*
- 1 Examples of cases
 - 2 Powers of attorney
- Section 6: *Test*

Section 1 Grammar

The Construction *It is important that smb should do smth*

In this construction the following adjectives can be used: *important, necessary, essential, urgent, advisable, desirable*. The construction is: **It is... that smb should + infinitive (without particle to):**

It is important that you should hand in the papers today.
Важно, чтобы вы сдали документы сегодня.

Sometimes in these constructions the verb *should* is omitted.

Exercise 1 Read and reproduce these mini-dialogues:

- At what time will the lecture start?
- At eleven fifteen. And it is essential that everyone should be here on time.

- In what language do I have to fill in this form?
- It is desirable that all of you should fill the forms in English.
- I am not sure if I should state the legal address of the company here.
- It is most important that the legal address should be stated.
- He knows all the types of contracts very well.
- But it's not necessary to write about all of them. It's important that he should describe executory contracts.
- They are going to submit the matter to arbitration, as far as I know.
- I have also heard about it. And it is essential that they should appoint the right arbitrator.

Exercise 2 Complete and read the sentences:

- 1 It is most desirable that he should attend the conference in ...
- 2 It is desirable that this rule should be brought to the attention of ...
- 3 It is important that she should be more ...
- 4 It is most urgent that the visitor should ...
- 5 It is necessary that they should take legal advice and ...
- 6 Is it necessary that he should give evidence and ...?
- 7 Is it essential that they should notify the other party of ...?

Exercise 3 Translate into English:

- 1 Необходимо, чтобы они приняли решение сегодня же.
- 2 Желательно, чтобы их представитель прибыл завтра.
- 3 Очень важно, чтобы все юридические вопросы были рассмотрены.
- 4 Ей действительно необходимо встретиться с юристом этой компании?
- 5 Для нее очень важно получить эти документы сейчас.
- 6 Ему крайне необходимо переговорить со своим спонсором.
- 7 Я не знаю, почему ей так важно увидеть его сегодня.

Section 2 Word formation

Compound Adjectives (Сложные прилагательные)

A Compound Adjective is made up of more than one word and functions as an adjective. Compound Adjectives are usually written with a hyphen:

top-secret секретностранный
so-called так-называемый, так-названный, так-называемый

Exercise 4 Read and translate the sentences; write out Compound Adjectives:

- 1 She has been doing the same low-paid job for so long that he is really fed-up with it now.
- 2 The two cars were involved in a head-on collision.
- 3 He has a very casual, laid-back approach to life in general.
- 4 It'll never happen again. It's definitely a one-off situation.
- 5 He is a smash hit in his country but he's been unheard-of here.
- 6 She bought a cut-out paper pattern and made her own dress.
- 7 Do they live in south-east England?

Exercise 5 a. Translate into Russian using the hints in the brackets:

- 1 an all-out strike (*total*)
- 2 a broken-down bus (*it won't work*)
- 3 a burnt-out car (*nothing left in it after a fire*)
- 4 a built-up area (*lots of buildings in it*)
- 5 a run-down area (*in poor condition*)
- 6 a hard-up student (*poor*)
- 7 well-off people (*wealthy*)

b. Read and translate into Russian:

duty-free	record-breaking	long-distance
second-class	sugar-free	remote-controlling

Exercise 5 a. Match the Adjectives and Nouns:

air-conditioned	carpet
bullet-proof	car

hand-made	relations
long-standing	work
time-consuming	preparations
last-minute	office

b. Add some appropriate Nouns:

part-time _____
 so-called _____
 world-famous _____
 brown-eyed _____
 broad-minded _____
 kind-hearted _____
 hot-headed _____

Exercise 7 a. Match the equivalents:

absent-minded	зловещий
easy-going	снисходительный
good-tempered	расположенный
quick-witted	бесзаботный
two-faced	добродушный
self-centred	лежачный

b. Form Compound Adjectives:

curly	eye
blue	leg
rosy	lip
thin	hair
broad	hand
left	cheek
long	shoulder

Exercise 8 Make and read mini-dialogues, like this:

- Is he working part-time?
- No, full-time, as far as I know.

1 Isn't she rather short-sighted?

— _____

2 Is his family well-off?

— _____

3 Would you say the young man is well-behaved?

—

4 Is he a broad-minded person?

—

5 Is she a soft-hearted woman?

—

(Prompts: hard, single, long, badly, narrow)

Section 2 Texts

Definition of a trust

A trust is the relationship which arises whenever a person called trustee is compelled in equity to hold property, whether real or personal, for the benefit of some persons (including themselves) or for some object permitted by law, in such a way that the real benefit of the property accrues, not to the trustee, but to the beneficiaries or other objects of the trust.

The trust device is used for many different purposes, notably:

- (a) To enable property to be held for persons who cannot hold the legal title themselves, e.g. a minor cannot be the legal owner of land, but land can be held in trust for a minor.
- (b) To enable property to be used to benefit persons in succession.
- (c) To enable two or more persons to own land.
- (d) To further a charitable purpose.
- (e) To avoid or minimize liability to various forms of taxation.

The distinctive feature of the trust is the duality of ownership. The trustee is the legal owner; the beneficiary is the equitable owner. This split in ownership is possible because, whilst admitting that the trustee has the legal title, equity acts on the trustee's conscience and will compel him to hold the property for the beneficiaries.

Trusts may be classified as private trusts and charitable trusts. There are important differences between them.

Vocabulary

आपका [पद/पद] गणित-संबंधी संबंधित:

WHENEVER THE BY HAS KUDU BY HIM

to access [e'lync] yncymuall-sa

1) ліній, в інтересах якого здійснюється державне регулювання; 2) ліній, підтримання яких, з огляду на їх довжину, неможливо.

doi:10.1017/S0007122615000089

metalloid: 7' metalloid [] metalloids, metalloids

QUALITY ASSURANCE

[illegible]

Exercise 9 a. Add as many derivatives as you can, read and translate the words:

to relate:

Abstract

Discussion**benefit**

INDEX

relation

Keywords:

personal

beneficial

property

b. Match the autopolyploid:

10 continue

DISCUSSION

to further

RENTS: \$1,400/2B+G.

to adapt

RESEARCH DESIGN

to counsel

**UNIVERSITY OF
MICHIGAN**

to compare
to include

TIP-SHOW-UP!

to submit

Abstract

for $\alpha = 0.05$.

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Exercise 10 a. Choose the right words from this list, read and translate the sentences:

Benefit property, equity, sales, minor, turnover, succession

- 1 A trust is the relationship which arises when a trustee is com-
pelled in ... to hold property.
- 2 A trustee holds property for the ... of some persons.
- 3 The real benefit of the ... accrues to the beneficiaries.
- 4 The trust device is used for many different ...
- 5 These persons cannot hold the legal ... themselves.
- 6 Land can be held in trust for a ...
- 7 It enables property to be used to benefit persons in ...

b. Translate into English:

- 1 выделить земельный _____
- 2 избежать ответственности _____
- 3 минимизировать ответственность _____
- 4 различные формы налогообложения _____
- 5 земельный участок _____

Exercise 11 a. Write out the sentence starting with the words 'This split in ownership ...' from the text and do the following assignments:

- 1 Underline the principal clause.
- 2 State what part of the sentence is a subordinate clause of cause.
- 3 State what word of the sentence is a participle.
- 4 Say what type of clause the words 'that the trustee has the legal title' form?
- 5 Translate the sentence into Russian.

b. Write the definition of a trust in 2 or 3 sentences.

Private trusts

Private trusts can be categorized as express, implied, or constructive.

An *express trust* is one expressly created by the settlor *inter vivos* (i.e. during life), or by will, for the benefit of one or more specified persons or a group of persons. It may be created in writing, by deed, by will or merely orally in certain cases.

The essential elements of an express private trust were laid down in *Knight v. Knight* (1840) by Lord Langdale, who declared that three 'certainties' are necessary for the creation of a trust: certainty of intention, certainty of subject-matter, and certainty of objects.

An *implied trust* is based upon the presumed intention of the settlor. The most common type of implied trust is the 'resulting trust'. For example, suppose a settlor conveys property to trustees to hold on trust for B for life. If the settlor does not state where the property is to go on B's death, then when B dies the trustees will hold on a resulting trust for the settlor; thus the equitable interest returns to the settlor. Similarly, if a settlor conveys property to trustees but the trusts are void, e.g. because they offend one of the rules against perpetuities, then the trustees hold on resulting trust for the settlor.

Constructive trusts are ones imposed by equity regardless of the intention of the parties. An important example of this type is where a trust

tee, X, in breach of trust conveys the trust property to another person, Y, who knows of the breach of trust but nevertheless accepts the trust property. In the circumstances, Y will be treated as a 'constructive trustee' and will be compelled by equity to hold the property on trust for the beneficiaries. Y will be constructive trustee whether there is consent or not.

A person will also be treated as a constructive trustee where he or she acquires a benefit under the trust to which they are not entitled. The constructive trustee will be compelled by equity to hold the benefit for the beneficiaries.

Vocabulary

express [ɪk'spres] определенный, точно выраженный

in full breach, complete breach акт полного нарушения и в пользу кого-либо

inter vivos (Lat.) при жизни

subject-matter касается (спора, договора ...)

interest проценты

to effect [ɪ'fekt] вершить, посылать на

regularity беспрерывное внимание

constructive trust доверительная ответственность в силу закона или судебного решения

regardless of не обращая внимания на, несмотря на

in the circumstances при сложившихся обстоятельствах

to be entitled [ɪn'taɪtld] иметь право

Exercise 12 a. Read the words paying attention to the stress:

to 'categorize

cre'ated

'specified

ex'press

'category

cre'ative

'certain

ex'pression

to cre'ate

con'structive

es'sential

ex'pressive

b. Add the missing letters, read and translate the words:

to l...y down

certa...ary

to decla...e

ob...ect

to int...nd

inten...ion

to impl...

impl...d

Exercise 13 a. Match and translate the synonyms:

to categorize

| to make

to create	to classify
to imply	to specify
to suppose	to keep
to convey	to mean
to hold	to transfer
to state	to imagine

b. Translate into English:

- 1 указать, кому переходят собственность _____
- 2 сохранить доверительное удержание _____
- 3 нарушить правила _____
- 4 устанавливать по справедливости _____
- 5 передать собственность другому лицу _____

Exercise 14 a. Choose the right forms, read and translate the sentences:

- 1 Private trusts can (classify, be classified) into three groups.
- 2 An express trust (creates, is created) by the settlor or by will, for the benefit of a certain person or a certain group of persons.
- 3 It may (create, be created) in writing or even orally.
- 4 An (implied, implying) trust is based on the presumed intention of the settlor.
- 5 Constructive trusts are ones (supposed, supposing) by equity regardless of the intention of the parties.

b. Use the right Preposition and write short sentences of your own using these word combinations:

- 1 to convey property ... breach of trust _____
- 2 ... the circumstances _____
- 3 to be compelled ... equity _____
- 4 to hold the property ... trust for the beneficiary _____
- 5 to acquire a benefit under the trust ... which the person is not entitled _____

Exercise 15 a. Answer the following questions:

- 1 Who creates express trusts?
- 2 When can express trusts be created?
- 3 In what way are implied trusts different?
- 4 In what circumstances can constructive trusts be created?
- 5 For whom are constructive trustees compelled to hold the benefit?

- b. Draw a diagram showing the difference between the three types of private trusts.
- c. Present the diagram to your group-mates.

Public (or charitable) trusts

For a trust to be charitable it must satisfy three requirements:

(a) It must be charitable in the legal sense. 'Charity' in a legal context does not accord with the popular meaning of the word. For example, fee-paying public school like Eton or Harrow are charitable in the legal sense and enjoy the same privileges, including tax exemption, as say, Barnardo's or the Spastics Society.

There is no statutory definition of a charity. The Preamble to the Statute of Charitable Uses 1601, listed a number of charitable objects, but the classification most frequently quoted is that of Lord Macnaghten in *Income Tax Special Commissioners v. Pemsel* (1891), who classified charitable trusts under four heads:

- for the relief of poverty
- for the advancement of education
- for the advancement of religion
- for other purposes beneficial to the community.

The last category includes such purposes as the welfare of animals, provision of public works such as bridges and museums, the setting up of fire brigades, etc.

(b) It must benefit the public as a whole or at least a section of it. If the main intention of the trust is to benefit certain specified individuals, no charitable trust arises. Thus a trust to provide for the education of the lawful descendants of three named persons is not charitable. Employees of a company do not form a section of the public for this purpose. Thus a trust to educate children of employees of a company has been held not charitable.

Trusts for the relief of poverty are, however, exempt from this public benefit requirement. Such trusts are charitable even if restricted to the relatives of the donor or to the employees or ex-employees of his firm.

(c) It must be wholly and exclusively charitable. This requirement is not satisfied if, under the terms of the trust, the property can be applied to non-charitable as well as to charitable purposes. Thus trusts for 'charitable and benevolent purposes' have been held void.

Vocabulary

charitable [ˈtʃærɪtəbl] благотворительный

to exempt освобождать, извлекать, исключать

as a whole в целом

at least по меньшей мере

discretionary поощрительный, несудебный

poverty [ˈpɒvərti] бедность

donor донор; donor infinite доноры, умерший без завещания

benovolent [bɪˈnɒvələnt] благотворительный, всевозможный

Exercise 16 a. Write the words with the opposite meaning, read and translate the pairs:

to dissatisfy	—	_____	illegal	—	_____
to exclude	—	_____	uncertain	—	_____
impoverity	—	_____	non-charitable	—	_____
mis-trust	—	_____	useful	—	_____
non-sense	—	_____	last	—	_____
misuse	—	_____	main	—	_____

b. Translate into English:

- 1 удовлетворять требованиям _____
- 2 не соответствовать обычным значениям _____
- 3 платные частные школы _____
- 4 освобождение от уплаты налогов _____
- 5 благотворительные учреждения _____
- 6 помощь бедным _____
- 7 развитие и распространение образования _____

Exercise 17 a. Use the right Articles where necessary, read and translate the sentences:

- 1 Trusts beneficial to ... community include such ... purposes as the welfare of animals, provision of ... public works, the setting up of ... fire brigades, etc.
- 2 ... second requirement says that a public trust must benefit ... public as ... whole.
- 3 Trusts for the relief of ... poverty are charitable even if restricted to the relatives of ... donor.
- 4 ... third requirement is that ... trust must be wholly or exclusively charitable.
- 5 Trusts for ... 'charitable and benovolent purposes' are not considered ... charitable trusts.

b. Translate into English paying attention to Articles:

- 1 в правовом смысле _____
- 2 в правовом контексте _____
- 3 обычное значение слова _____
- 4 те же самые принципы _____
- 5 большое количество благотворительных учреждений _____

Exercise 18 a. Complete the sentences as in the text and translate them into Russian:

- 1 Fee-paying public schools like Eton or Harrow ...
- 2 Charitable trusts are classified under four heads: for the relief ... for the advancement of ..., for the ... of religion, for other ... to the community.
- 3 If the main intention of the trust is to benefit certain specified individuals, ...
- 4 Trusts for the relief of poverty ...
- 5 Trusts must be wholly ...

b. Retell the text.

Trustees

Most of the law relating to trusts has evolved from the decisions of the Court of Chancery, but there are also important statutory provisions, notably the Trustee Act 1925. Any person of full age, sound mind and legal capacity may be a trustee under an express trust. An infant cannot be an express trustee, though he or she may become a constructive trustee or hold property on a resulting trust in certain circumstances. If the trust property is land a maximum of four trustees is permitted. Where land is sold, at least two trustees (or a trust corporation) are needed to give a valid receipt for the purchase money.

A trustee can be removed under an express power in the trust instrument, under section 36 of the Trustee Act (where a replacement trustee is appointed), or, in extreme cases, by the court. A trustee can retire under section 39 provided:

- (a) at least two trustees or a trust corporation remain;
- (b) the consent of the co-trustees and any person empowered to appoint trustees is obtained the retirement is by deed.

As a last resort a trustee can apply to the court to be discharged.

Vocabulary

to evolve развиваться (сз)

receipt [r'si:t] получение

purchase ['pɜ:ʃəs] покупка

to involve [ɪ'vɒlv] участвовать

to retire уходить на пенсию, а отставать; retirarse

Exercise 19 a. Match the Verbs and corresponding Nouns; translate the pairs into Russian:

to evolve	receipt
to involve	retirement
to receive	evolution
to apply	involvement
to discharge	need
to need	discharge
to retire	application

b. Form the Adverbs and translate the pairs:

notable	—	_____
extreme	—	_____
legal	—	_____
constructive	—	_____
certain	—	_____
proper	—	_____

Exercise 20 a. Match the equivalents:

the Court of Chancery	законотворение
statutory provisions	право-дееспособность
legal capacity	надлежаще оформленная расписка в получении
valid receipt	канцлерский суд, суд лорд-канцлера
purchase money	денежная сумма договора купли
deed	по документу за печатью
by deed	документ за печатью

b. Read and translate into Russian:

express trustee	replacement trustee
constructive trustee	co-trustee

Exercise 21 a. Use the right Participles, read and translate the sentences:

- 1 Most of the law (to relate) to trusts has evolved from the decisions of the Court of Chancery.
- 2 An infant may become a constructive trustee or hold property on a (to result) trust in certain circumstances.
- 3 A trustee can retire provided the consent of the co-trustees and any person (to empower) to appoint trustees is obtained.
- 4 The trustee (to apply) to the court can be discharged.
- 5 He is the trustee (to discharge).

b. Translate into English:

- 1 в крайнем случае _____
- 2 большая часть законов _____
- 3 решение суда _____
- 4 назначил четыре судьи _____
- 5 в соответствии с четко оговоренными полномочиями _____

Exercise 22 a. Write questions to which these answers are given:

- 1 — _____ ?
— From the decisions of the Court of Chancery.
- 2 — _____ ?
— Any person of full age and sound mind.
- 3 — _____ ?
— If the trust property is land.
- 4 — _____ ?
— If land is sold.
- 5 — _____ ?
— Under an express power in the trust instrument.
- 6 — _____ ?
— A trustee can retire in some circumstances.

b. Sum up the text.

c. Write an essay on one of the topics:

- 1 What is a trust?
- 2 Private trusts seem to be very different from public trusts.
- 3 The Trustee Act 1925 is still valid, isn't it?

Section 4 Speaking English

Trust Corporations

At a seminar at a School of Law

Professor: Tell me, please the similarities and differences between a trustee and a trust corporation.

Jack: As to similarities, a trust corporation is empowered to act as a trustee. And trust corporations are governed by the same Trustee Act 1926. As to differences a corporation is a juristic person, while trustees are persons.

Jim: Let me add a few words, professor. A trust corporation is not a human being and there is never any problem of the trustee dying or retiring.

Professor: Very good. Can you give me a few examples of trust corporations?

Sally: Common examples are trustee departments of banks and large insurance companies. I also wanted to say we should not mix up trust corporations on the one hand and trust companies and unit trusts on the other. Trust companies deal with investments. As to unit trusts they are also companies but their business is a little bit different from trust companies. They collect funds from people and then invest them.

Professor: Fine. You have done very good reading! But who knows what a trust company in America is?

Alex: I was surprised to learn that in America a trust company is equivalent to an English trust corporation. It acts as a legal guardian for property. For example, for dead people or children.

Professor: Absolutely correct. And one more question. What is the Public Trustee? Who can answer this question?

Jim: If I remember it properly, it is a trust corporation and a government office. If the Public Trustee acts improperly the State makes good any loss.

Professor: Yes. It's a correct answer.

Exercise 23 a. Read and translate the following:

- 1 similarities and differences
- 2 as to similarities
- 3 a trust corporation is empowered to act as a trustee
- 4 a corporation is a juristic person while trustees are not
- 5 let me add a few words
- 6 there is never such a problem
- 7 common examples

b. Read the sentences paying attention to the intonation:

- 1 I also wanted to say! we should not mix up these notions.
- 2 There are trust corporations on the one hand and trust companies and trust units on the other.
- 3 As to what trusts they are also companies.
- 4 I was surprised to learn that in America the trusts are a little bit different.
- 5 If I remember it properly, the Public Trustee is a trust corporation and a government office.

Exercise 24 a. Write out all the information about trust corporations from the talk.

b. Translate into English:

- 1 Профессор спросил, что общего между трастами и трастовыми корпорациями.
- 2 Профессор попросил привести несколько примеров.
- 3 Он также задал вопрос о государственной трастовой корпорации.
- 4 На вопросы отвечали все студенты нашей группы.
- 5 Появилось, что это обсуждение заинтересовало всех.

c. Read and reproduce the talk.

Section 5 Illustrations

Examples of cases

1) *Keach v. Sandford* (1726)

A trustee held a lease of Romford Market on trust for an infant beneficiary. The trustee attempted to renew the lease for the benefit of the infant, but the lessor refused to grant a renewal to the infant. The lessor agreed, however, to renew the lease in favour of the trustee personally. The lease was accordingly made out to the trustee. *Held*: that the trustee held the new lease on a constructive trust for the infant.

2) *AGIP (Africa Ltd) v. Jackson* (1981)

The plaintiffs requested the defendants not to arrange for the transfer of money in their possession to a third party as it had been obtained by fraud by one of the P's employees. Ds ignored request. *Held*: Ds were liable as constructive trustees.

3) *Inland Revenue Commissioners v. Maitland* (1980)

The Football Association Youth Trust was set up to promote football and other sports in schools and universities. The House of Lords held that this was a charitable trust created for the advancement of education, as the physical development of the young is part of their education.

Vocabulary

lease [li:z] нанимательность, аренда; short lease краткосрочная аренда

lessor 1) арендодатель; 2) организатор, владелец оборудования напрокат

renewal [ri'nju:l] возобновление

to make out выдвигать

to arrange for smth [a'reindʒ] организовать что-либо

possession владение, обладание

Inland Revenue (Board of Inland Revenue) Управление налоговых сборов (в Великобритании)

Exercise 25 Translate the text and answer the following questions:

- 1) Who were the trustee and the lessor? Which of them won the case?

- 2 What was the original request of the plaintiffs? What was the defendants' reaction? Who lost the case?
- 3 Under what heading was the Football Association Youth Trust classified originally? How did the judgement of the House of Lord change the situation?

Powers of attorney

Power of attorney is a legal authority given by one person to another to allow the latter to deal with the former's money and other assets as though they were his or her own. The power may be given when the person giving it has become, through age or infirmity, unable to conduct his or her own affairs, or where a long absence abroad is contemplated. Here is an extract from a Power of Attorney:

Power of Attorney

Mr Robert Bell, President of Business Services, Inc., in accordance with the Special Purpose Agreement, does hereby constitute and appoint:

Mrs ...

his true and lawful attorney in fact (Attorney-in-Fact) of the Company for the following purposes:

1 Open branches and subsidiaries for the Company anywhere in the world, submit the branch offices and subsidiaries to applicable law and take any action necessary to comply with applicable law.

2 Open, operate and close bank accounts for the Company in any country in the world. Make, execute, endorse, accept and deliver in the name of the Company all checks, notes, drafts and other instruments, and effect all financial transactions of the Company.

3 Represent the Company before third parties such as attorneys, broker-dealers, accounting firms etc.

Vocabulary

attorney [ə'tɔ:n] доверенное лицо

power of attorney доверенность, полномочие

the latter последний (из упомянутых)

the former первый (из упомянутых)

leave ['li:v] отпуск, увольнение

to confide в рассматривать

inc. (Incorporated) зарегистрированная корпорацией

branch отделение

subsidiary [sʌb'sɪdɪəri] дочерняя компания

to comply with what исполнять что-либо, подчиняться чему-либо

account over; accounting firm бухгалтерская фирма

to endorse отнать разрешительную пометку

to accept [ək'sept] принимать, акцептовать

to deliver [dɪ'lɪvə] предоставлять, посылать, возить

third переводной вексель, третт

Exercise 25 Translate the introductory text and the extract of the Power of Attorney.

Section 5 Tests

Choose the correct alternative

- 1 The Road Traffic Act 1972 That it is illegal to drive under the influence of drugs.
 - a legislate
 - b enact
 - c require
 - d provide
- 2 The exact effect of legislation is influenced by judicial

 - a interpretation
 - b custom
 - c sovereignty
 - d codification

- 3 Parliament is a body.
 - a legislation
 - b legislature
 - c legislative
 - d legislate
- 4 codes and delegated legislation are all sources of written law.

- a *Law reports*
 - b *Statutes*
 - c *Codes of law*
 - d *Litigation*
- 5 A court must follow rules of precedent.
- a *binding*
 - b *arbitrary*
 - c *entrenched*
 - d *obsolete*
- 6 In general, a Bill becomes an Act of Parliament when it has received the of both Houses of Parliament and the Sovereign.
- a *consent*
 - b *ratification*
 - c *enactment*
 - d *assent*
- 7 Everybody was surprised when the Green candidate for Westminster was elected, as it was considered a for the Conservatives.
- a *marginal seat*
 - b *single-member constituency*
 - c *safe seat*
 - d *split seat*
- 8 The Chancellor of the Exchequer asked Parliament to the existing tax on alcoholic drinks and replace it with a tax on all drinks except water.
- a *abolish*
 - b *abolish*
 - c *dissolve*
 - d *enact*
- 9 The Minister presented the new Housing to the House of Commons for reading and debate.
- a *Act*
 - b *Code*
 - c *Law*
 - d *Bill*
- 10 The Government lost the confidence of the House of Commons, Parliament was dissolved and a was called.
- a *General Election*
 - b *electoral roll*
 - c *by-election*
 - d *election campaign*

- Section 1: *Grammar* The constructions with the verb *to wish*
 Section 2: *Words* Abstract Nouns
 Section 3: *Texts*
 1 Ownership
 2 Property
 3 Property law
 4 Sale of land
 Section 4: *Speaking English* Conveyance of the property
 Section 5: *Illustrations* Examples of cases
 Section 6: *Test*

Section 1 Grammar

The constructions with the verb *to wish*

The verb *to wish* is used in the following constructions:

(1) *to wish* **sub** **verb**

I wished him a good day.

Я пожелал ему хорошего дня.

(2) *to wish* **sub** **did** **verb**

(The action of the Object Clause coincides with the action of the Principal Clause.)

I wish she knew English.

Жаль, что она не знает английского языка.

I wish (that) he were here now.

Жаль, что его здесь сейчас нет.

I wish (that) she didn't have to go to the university today.

Жаль, что ей нужно сейчас идти в университет.

(3) to wish subj had done such

I wish he had gone to the theatre with me yesterday.

Жаль, что он не пошёл со мной в театр.

(The action of the object clause precedes the action of the principal clause.)

(4) to wish subj could have done such

I wish he could have gone to the theatre with me yesterday.

Жаль, что он не мог пойти со мной в театр.

Exercise 1 Read and translate the sentences:

- 1 I wish he were a lawyer.
- 2 I wish he were here with us now.
- 3 We wish she had helped him when he needed help.
- 4 We wished he trusted us.
- 5 I wish you every success in the future.
- 6 I saw Nick before the exam and he wished me good luck.
- 7 I wish you a pleasant stay here.
- 8 I wish I knew what to do about the problem.
- 9 I wish you didn't have to go so soon.
- 10 Do you wish you lived near the sea?

Exercise 2 Complete, read and translate the sentences:

- 1 My friend is going on a trip to England next month. I wish I were going ...
- 2 I wish I had known about ...
- 3 It was a stupid thing to say. I wish I hadn't said ...
- 4 I am sorry I have to go. I wish I could ...
- 5 I've met that man before. I wish I could remember ...
- 6 I hear the lecture was very interesting. I wish I ...
- 7 I wish I had a ...

Exercise 3 Use the Verbs in the right forms, read and translate the sentences:

- 1 It's a difficult question. I wish I (to know) the answer.
- 2 I should have listened to you. I wish I (to take) your advice.
- 3 You're lucky to be going away. I wish I (not go) with you.
- 4 I have no energy at the moment. I wish I (not to be) so tired.
- 5 When we were in that city last year, we didn't have time to see all the things we wanted to see. I wish we (not stop) longer.

- 6 It's freezing today. I wish it *(not to be)* so cold.
- 7 I really didn't enjoy the book. I wish we *(not to spend)* so much money to buy it.

Exercise 4 Translate into English:

- 1 Жаль, что у меня нет этого словаря.
- 2 Мне жаль, что он не принял участия в этом обсуждении.
- 3 Жаль, что мы не знаем имени доверителя.
- 4 Жаль, что он не имеет права сделать этого.
- 5 Нам жаль, что они передали эту собственность другим лицам.
- 6 Жаль, что они не смогли восполнить эту благотворительную организацию.
- 7 Жаль, что никто не отметил результаты.

Section 2 Words

Abstract Nouns

1 An Abstract Noun is one which is used to mean an idea, experience, feeling, or quality. They have physical existence, you can't see, hear, touch them.

love	sugar
faith	few
luck	hope
summer	belief

2 Many Abstract Nouns are formed with the help of suffixes added to verbs, nouns, and adjectives:

- (1) verb + suffixes -ment, -tion

to achieve	achievement
to adjust	adjustment
to set	action
to collect	collection

- (2) noun + suffixes -ship, -dom, -hood

compassion	compassionship
owner	ownership
sister	sisterhood
child	childhood

- (3) adjective + suffixes -ness, -ty

aggressive	aggressiveness
careless	carelessness

	curious гениозен	curiously гениозно
(4) compound adjective + suffix -ness		
	absent-minded short-sighted	absent-mindedness short-sightedness

Exercise 5 State how these Abstract Nouns are formed and translate them into Russian:

motherhood	improvement
brotherhood	replacement
neighbourhood	investment
adulthood	assessment
recognition	attractiveness
solution	tenderness
promotion	bitterness
creation	consciousness

Exercise 6 Form the Abstract Nouns with the help of the suffixes -ship, -ty, -ment, -tion and translate them into Russian:

member	_____	to amaze	_____
partner	_____	to discourage	_____
relation	_____	to retire	_____
hostile	_____	to translate	_____
sensitive	_____	to produce	_____
prosper	_____	to combine	_____
familiar	_____	to imagine	_____

Exercise 7 a. Choose the right Abstract Nouns from this list to complete and translate the quotations:

love, permanence, hope, jealousy, happiness, decay

- 1 ... is no more than feeling alone among smiling enemies.
- 2 ... is like cake; something you get as the by-product of making something else.
- 3 ... is the power of being cheerful in circumstances which we know to be desperate.
- 4 ... is a universal nightmare.
- 5 The British love ... more than they love ...

b. Write your own quotations to describe the following Abstract Nouns:

freedom _____ friendship _____ life _____
jurisdiction _____ loneliness _____ success _____

Section 3 Texts

Ownership

Ownership has been described as 'the entirety of the powers of use and disposal allowed by law'. The owner of a thing has an aggregate of rights, namely the right of enjoyment, the right of destruction, and the right of disposition, subject to the rights of others. Thus if A owns a hat, she can wear it, alter it, burn it or merely throw it away. There are, however, limits to these rights. If A throws the hat at B, this might be an assault on B (or a battery if the hat strikes B), for under the general law B has a right not to be interfered with.

Similarly in regard to land, A may enjoy and use it, sell it or give it away, but use of this land is subject to the rights of others as allowed by law, e.g. in nuisance and tort. Today a landowner's rights are much circumscribed by legislation aimed at social control. Permission for any change in the use of the land owned has to be obtained from the local planning authorities.

Moreover, Government departments and local authorities may compulsorily acquire privately-owned land and use it for public purposes, e.g. a site for a school or college.

Ownership may be acquired in the following ways:

- (a) **Originally.** Ownership may be thus obtained by creating something (e.g. a clay jar or a picture), by occupation, where a person claims something not owned by anyone (e.g. a wild bird or animal, or by occupation of property abandoned by another person), or by accession (e.g. if A owns an animal which begets young, the young animals become the property of A by accession).
- (b) **Derisively.** Through sale, gift or compulsory acquisition by law, e.g. where goods or land are compulsorily acquired by statute, or taken by distress in execution of judgement.
- (c) **By succession.** On the death of a previous owner another person may succeed to the property and thus acquire ownership, e.g. a beneficiary under a will.

Vocabulary

entirety полнота, цельность

disseal [dis'poud] распространение, передача, пропуск

aggregate совокупность

to interfere with smth вмешиваться, доказывать что-либо

in regard to smth в отношении чего-либо

to circumvent обходить

compulsorily обязательным образом

to acquire [a'kwaɪr] приобретать

original первоначальный

to abandon [a'bændən] оставлять, покидать

accessible доступ

derivative [dɪ'ɪvɪv] производный, вытекающий

to beget young давать потомство

to profess

distress [dis'tres] бедствие

Exercise 8 a. Read and translate these words:

assault

resistance

clay

jar

to describe

to allow

to wear

to alter

statute

beneficiary

to burn

to claim

b. State how these Abstract Nouns are formed, read and translate them into Russian:

enjoyment

destruction

disposition

legislation

acquisition

occupation

abandonment

accession

execution

Exercise 9 a. Match and translate the synonyms:

to acquire

to beget

to enjoy

to strike

to permit

to succeed to

to give birth to

to have

to get

to allow

to inherit

to hit

6. Match the English and Russian equivalents:

by succession	по закону
through sale	по договору
by law	по закону
under a will	при условии (соблюдения) прав
subject to the rights	ограничения прав
limits to the rights	что касается прав
in regard to the rights	при нарушении закон
in substance	при нарушении
in tort	для людей
for public purposes	путем продажи
by occupation	по ряду занятий

Exercise 10 Use the right Articles if necessary, read and translate the sentences:

- 1 Ownership is the entirety of the powers of ... use and disposal allowed by ... law.
- 2 The owner of ... thing has ... aggregate of rights.
- 3 He has ... right of enjoyment.
- 4 He has ... right of ... destruction.
- 5 He has ... right of ... disposition subject to ... rights of ... others.
- 6 Today a landowner's rights are much circumscribed by ... legislation aimed at ... social control.
- 7 Government and local authorities may compulsorily acquire ... privately-owned land and use it for ... public purposes.

Exercise 11 Use the right form of the infinitive, read and translate the sentences:

- 1 Ownership may (to acquire) in a few different ways.
- 2 Ownership may (to obtain) by creating something.
- 3 On the death of a previous owner another person may (to succeed) to the property.
- 4 This might (to be) an assault on a person.
- 5 Under the general law a person has a right not (to interfere) with.
- 6 A person may (to enjoy) and (to use) some land.
- 7 Permission for any change in the use of the land has (to obtain) from the local planning authorities.

Exercise 12 a. Translate into English:

- 1 определить термин *land* _____
- 2 иметь ограниченную совокупность прав _____
- 3 существуют определенные ограничения прав _____
- 4 использованию земли _____
- 5 ограничено законодательством _____
- 6 получить разрешение _____
- 7 местные власти _____
- 8 претендовать на собственность _____
- 9 приобрести права _____
- 10 получить решение суда _____

b. Translate the text into Russian.

Property

The word 'property' has two meanings in law.

- (a) Property may mean the thing or things capable of ownership. In this sense the word includes not only physical (or corporeal) things such as a pen, desk, watch, and land, but also non-physical (incorporeal) things such as debts, patent rights, copy-rights, etc. This is the popular sense of the term 'property'.
- (b) Property may mean 'ownership'. Thus, we may say in law that 'A has the property in a watch', or in other words, 'A owns a watch'. Both statements mean the same. In a sale of goods where, for example, a student buys a pen, the shop assistant hands the pen to the buyer, and, at the same time, passes 'the property in the goods' (i.e. the ownership) to the buyer by delivery on the sale.

English law has classified property in various ways. Land, the main source of wealth, is by the very nature of things treated differently from most other kinds of property. Property may be divided into two classes:

- (a) Real property (i.e. freehold interests in land)
- (b) Personal property, which may be subdivided into:

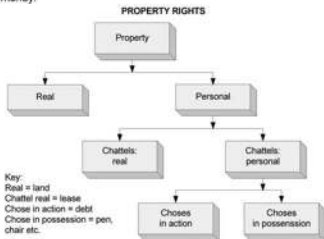
1 Chattels real (which means leaseholds in land)

2 Chattels personal (which comprises choses in action and choses in possession).

The characteristic of a *chose in possession* is that it is a physical thing and can be touched. But a *chose in action* has no physical existence. It is not possible to take physical possession of a debt, but it is possible to assert the right by taking legal action for the debt, hence it is called a *chose in action*.

Other examples of *choses in action* include patent rights, copyrights, rights in trade marks, stocks and shares, registered designs, goodwill of a business, insurance moneys, and cheques.

All rights existing in the items listed above can be protected or enforced or transferred at law by taking action, if need be, in the courts. Care must be taken to distinguish the thing itself from the rights attached to it. A cheque, for example, is in common experience merely a piece of paper on which words and figures appear. That is its physical manifestation. However, in law it represents certain rights, the most important of which is the right (enforceable by action) to payment of a sum of money.



Vocabulary

to be capable of smth быть способным на что-либо, иметь право на что-либо

corporeal материальный (об имуществе)

twinkl [twɪŋkl] блистать

to treat smth/with относиться к кому/чему-либо

freehold безусловное право собственности на недвижимость

landfield 1) видения на правах аренды; 2) арендованная земляная собственность

claim in action имущество в требовании

claim in remission имущество по взысканию

to touch smth дотрагиваться до чего-либо

landmark [lɪn'daʊnmɑ:k] страновые

landfill of a business недвижимая стоимость фирмы, гудвилл (репутация, деловые связи, квалификация, товарные знаки, компьютерные фирмы)

to protect [prɒ'tekt] защищать

to transfer передавать, переводить

реальные платежи

Exercise 13 a. Add the missing letters, read and translate the words:

prop...ty

me...ning

to me...n

to in...lude

se...s

ph...sical

corpor...al

incorpor...al

pop...lar

sh...re

stat...ment

ex...mple

v...rious

m...ie

t...st

b. Translate into English:

- 1 крестифицированность _____
- 2 основной источник происхождения _____
- 3 сама суть вещей _____
- 4 другие виды собственности _____
- 5 земельная собственность _____
- 6 неимущественная собственность _____
- 7 имущество в требовании _____
- 8 имущество по истреблению _____
- 9 интеллектуальная собственность _____
- 10 авторское право _____

Exercise 14 Translate into Russian:

real property	debts
personal property	legal actions
chattels real	copyrights
chattels personal	patent rights
freehold	trade marks
leasehold	stocks and shares
chose in action	registered design
chose in possession	goodwill of a business

Exercise 15 Complete as in the text, read and translate the sentences:

- 1 Property may mean the thing or ...
- 2 In this sense the word includes not only ..., but also ...
- 3 Property may mean ...
- 4 English law has classified ...
- 5 Land, the main source ..., is by the very nature of things ...
- 6 Property may be divided into real property and ... which may be subdivided ...
- 7 Care must be taken to distinguish the thing itself from ...

Exercise 16 Choose the right word from the list, read and translate the sentences:

debt, right, possession, action, paper, courts, payment

- 1 The characteristic of a chose in ... is that it is a physical thing and can be touched.
- 2 A chose in ... has no physical existence.
- 3 It is not possible to take physical possession of a ...
- 4 It is possible to assert the ... by taking legal action for the debt.
- 5 All rights can be protected at law by taking action in the ...
- 6 A cheque is a piece of ... on which words and figures appear.
- 7 In law a cheque represents certain rights the most important of which is the right to ...

Exercise 17 Present the diagram given below the text to your group-mates. Substantiate the diagram by as many examples as you find proper.

Exercise 18 a. Translate into Russian:

Intellectual property right is the legal ownership by a person or business of a copyright, design, patent, trade mark attached to a particular product or process which protects the owner against unauthorized copying or imitation. Such property rights are an important element of product differentiation.

b. Mark the sentences which seem true to you with 'T':

- 1 Intellectual property rights (IPR) are being reformed in many countries of the world.
- 2 The World Intellectual Property Organization (WIPO) has made a lot of proposals for the protection of music, literary works and databases.
- 3 A number of significant lawsuits have been filed against users and Internet Service Providers (ISPs).

Exercise 19 a. Read and translate the following:

Angels and Demons

Copyright Dan Brown 2000

Anubisman Artwork John Langdon

The right of Dan Brown to be identified as the author of this work has been asserted in accordance with sections 77 and 78 of the Copyright Designs and Patents Act 1988.

b. Answer these two questions:

- 1 Does every book contain a similar reservation?
- 2 Are copyrights governed by national and international law?

Property law

In the course of some 900 years following the Norman invasion, the distinction between real property, chattels real, and personal property became highly complex and technical. The rules of the devolution of property on death differed as to real property and personal property.

A multitude of rights and interests in relation to land were created, making the transfer of land a most complicated task and sometimes impossible. Certain interests were legal interests, while others, known as equitable interests, took effect only in equity.

Landowners tried to keep the land within their families, and constantly endeavoured to tie up the land so as to prevent alienation (i.e. transfer, by sale or otherwise). The public policy of the law was against tying the land up.

The basic legislation dates back to 1925, when the following five Acts of Parliament were adopted:

- Law of Property Act 1925
- Settled Land Act 1925
- Administration of Estates Act 1925
- Land Charges Act 1925
- Land Registration Act 1925.

The main aims of the 1925 legislation were:

- (a) To assimilate the law relating to land as far as possible into the law relating to chattels.
- (b) To simplify land law, and thus to make it cheaper and easier to transfer land.
- (c) To make the rules for intestate succession the same for all forms of property.
- (d) To abolish the antiquated form of tenure of land known as copyhold tenure.
- (e) To reduce the number of legal estates in land to two:
 - 1 a fee simple absolute in possession
 - 2 a term of years absolute
- (f) To reduce the number of legal interests to five.

Vocabulary

distinctive отличные

multitude множество

simplified упрощенный

equitable ['ekwɪtəbl] основанный на праве справедливости, регулирующий правам справедливости

to endeavour [ɪn'devə] предпринимать; пытаться

to tie up связывать

to prevent предотвращать; **to prevent a crime** предотвратить совершение преступления

alienation отчуждение

to simplify ['sɪmplɪfaɪ] упрощать

fee 1) поместье, земельная собственность; 2) гонорар, вознаграждение

Exercise 20 a. Answer the following questions:

- 1 How has property law changed in Britain since the Norman invasion?
- 2 What rights and interests were created in relation to land?
- 3 In what way was the public policy in relation to land different from that of landowners?
- 4 What are the basic Acts relating to land?
- 5 What were the main principles of the basic legislation?

b. Translate into English:

- 1 максимально приблизить эти законы к законам о движимом имуществе
- 2 упростить земельное право
- 3 сделать правила одинаковыми
- 4 отменить устаревшую форму
- 5 сократить количество типов земельной собственности до ...

c. Write a plan of the text and retell it accordingly.

Sale of land

The sale of land involves two elements: the contract of sale, the delivery of the land and transfer of title in it.

Under Section 40 of the Law of Property Act 1925 the parties to the sale of land must have contractual capacity, there must be an 'agreement' and contracts must be evidenced in writing. In the absence of a 'note or memorandum' the contract is unenforceable by legal action, although valid.

The memorandum must contain:

- (a) an agreement for sale
- (b) a description of the parties
- (c) a description of the property
- (d) a statement of the price, and

It must also be signed by the person to be charged or the agent.

The normal procedure would be to use the Standard Conditions of Sale which came into effect on March 21, 1990. These form part of the Protocol for domestic conveyancing intended to standardise, simplify and speed up the conveyancing process.

Under an open contract for sale (i.e. a contract which does not set out the terms of the sale, but merely specifies the names of the parties,

the description of the property and the price), there is a most important condition implied by law that the vendor must show title for at least fifteen years, starting with 'a good root for title'.

Exercise 21 Read and translate these words, consulting a dictionary if necessary:

- 1 delivery of the land _____
- 2 transfer of title in the land _____
- 3 to have contractual capacity _____
- 4 to be evidenced in writing _____
- 5 in the absence of a note or memorandum _____
- 6 to be unenforceable by legal action _____
- 7 to be valid _____

Exercise 22 Write the questions to the following answers:

- 1 — _____?
— Yes, the memorandum must contain all this information.
- 2 — _____?
— Yes, these persons must sign the memorandum.
- 3 — _____?
— Yes, the Standard Conditions of Sale are to be used.
- 4 — _____?
— They came into effect in 1990.
- 5 — _____?
— Yes, these Conditions form part of the Protocol for domestic conveyancing.
- 6 — _____?
— They are used to standardise, simplify and expedite the conveyancing process.

Exercise 23 a. Translate into English:

- 1 контракт на продажу _____
- 2 указывать все условия продажи _____
- 3 указывать имена сторон _____
- 4 указать произведённую собственность и её цену _____
- 5 условие, определённое законом _____
- 6 подтвердить право собственности _____

b. Sum up the text in 2 or 3 sentences.

Section 4 Speaking English

Conveyance of the property

At a seminar at a Law School

Professor: Upon the satisfactory investigation of the title, the transaction proceeds to the conveyance of the property to the purchaser of land. And what are the stages in this process, step by step? Let us draw a sort of a diagram.

Paul: First of all, the contract is to be prepared. It is Step One.

Larry: Then the exchange of contracts between the vendor's solicitor and the purchaser's solicitor comes, when the purchaser pays a deposit. It is Step Two. The transaction has now become binding upon both parties.

Professor: Very good. And what is done at the third stage?

Liz: The vendor's solicitor is to deliver an 'abstract of title' and the purchaser's solicitor is to examine this title, to compare the abstract with the title deeds to check accuracy. The time allowed for this is usually fourteen days. And that was Step Three.

Paul: The purchaser's solicitor may deliver written questions on title to the vendor to give the purchaser full details and to clear up doubts. Thus Step Four comes.

Professor: And do you remember how the written questions are called?

Paul: I wish I remembered the word. And I am sorry I don't.

Liz: They form requisitions.

Professor: Absolutely correct. Thus the conveyance has been drawn up. And how is it to be completed? Or what is Step Five?

Larry: I remember reading it is usually carried out at the office of the vendor's solicitor. The purchaser hands over the money, and the vendor hands over the signed conveyance, together with the title deeds of the property. The deed must be stamped as required by the Stamp Act.

Vocabulary

to proceed to sell передать к чужу-либо

abstract of title справка о правовом титуле

accuracy ['ækjʊrəsi] точность

equitable письменное требование

title deeds (tʌɪd) документ о передаче правового титула

to stamp a document поставить штамп на документ; stamp(ed) paper

гербовая бумага

Exercise 24 a. Match the equivalents:

vendor	правовой титул
purchaser	документ о передаче правового титула
title	передача правового титула на недвижимую
title deeds	справка о правовом титуле
investigation	сделка
conveyance	изучение
deposit	покупатель
transaction	продавец
abstract of title	заявка

b. Draw a diagram showing all the steps of the transaction.

c. Present the diagram to your group-mates, describing each step in every detail.

Section 5 Illustrations

Examples of cases

1 *Tulk v. Moxhay* (1868)

Tulk sold the central part of Leicester Square to Elms, who covenanted on behalf of himself, his heirs and assigns not to build on the land. The land was later sold to Moxhay who knew of this covenant, but nevertheless proceeded to build on the land.

Held: that Moxhay was bound by the covenant. It would be inequitable that Elms, who gave a small price for the land because of the restrictions, should be able to sell it for a larger price free from those restrictions.

2 *Moses v. Rice* (1802)

The tenant of a 'free' public house, under a twenty-six-year lease, mortgaged the premises to a brewery company as security for a loan,

and covenanted that during the remainder of the twenty-six years he would not sell any beers except those provided by the brewery company (the mortgagee). The tenant paid off the mortgage three years later, and sued for a declaration that he was free from the covenant.

Held that the covenant was inconsistent with the express proviso for redemption. Tenant became entitled to trade as a 'free' public house.

Vocabulary

to covenant ['kʌvənənt] заключать договор; covenant договор
assign [ə'saɪn] правопреемник; to assign уступать, определять
(срок), возлагать
restriction ограничение
tenant [ˈtænənt] арендатор
to mortgage ['mɔ:ɡeɪdʒ] закладывать (новозначность); mortgage klo-
точный залог, заложенность
free [fri:] заём; срок
inconsistent inconsistentный, противоречивый
redemption [rɪ'dempʃən] выкуп (заложенного имущества)
clg прототип

Exercise 25 a. Answer the following questions on the text:

- 1 — What property did Mr Turk sell to Mr Elms?
— _____
- 2 — What was the restriction on the use of the property?
— _____
- 3 — Did Mr Elms break the covenant?
— _____
- 4 — To whom did he sell the property?
— _____
- 5 — Did he keep the restriction a secret?
— _____
- 6 — In what way did Mr Moxley use the property?
— _____
- 7 — What was the judgement of the court?
— _____

b. Translate into English:

- 1 в соответствии с договором об аренде на 26 лет _____
- 2 закончить это строение _____
- 3 пивоваренная компания _____
- 4 в качестве обеспечения полученного кредита _____
- 5 подписать договор, заключенный /заключенный/ _____
на 26 лет ... _____
- 6 не провадить никакого другого пива, кроме пива,
готовившегося ... _____
- 7 выплатить сумму залога _____
- 8 подать в суд, заявив ... _____

c. Translate the two texts into Russian.

Section 6 Test

Choose the correct alternative:

- 1 A ... is a lawyer who gives legal advice to his or her client and may sometimes represent them in court.
a solicitor
b busine
c employee
d employer
- 2 The executor is the person appointed 'to execute' the will, that is to give effect to the wishes expressed in the will by the ...
a executed
b testator
c test
d tested
- 3 A tortfeasor is a person who commits a civil wrong, called a tort, which causes damage or injury to the ... party.
a wrong
b right
c injure
d obliged
- 4 The vendor sells an article or product to the buyer, or ... who buys, or 'purchases' it.
a purchaser
b seller
c lawyer
d executor

- 5 A trustee is the legal owner of property which he or she holds in trust for the benefit of the ...
- a lordessor
 - b testator
 - c beneficiary
 - d benefactor
- 6 Under rules of Equity, the ... must act in the interest of the beneficiary, according to the terms of the trust.
- a vendor
 - b buyer
 - c seller
 - d trustee
- 7 In English law a contract is formed when the offeree accepts the offer which the ... has made.
- a offeror
 - b executor
 - c testator
 - d trustee
- 8 A contract of employment creates a special legal relationship in which the two parties have certain rights and duties. For example, the ... has the duty to make sure that the employee's place of work is safe.
- a worker
 - b executor
 - c employer
 - d employed
- 9 In a civil case, the party who takes legal action against the defendant (for example for a tort, or breach of contract) is called the ...
- a plaintiff
 - b lordessor
 - c testator
 - d trustee
- 10 The landlord is the person who owns land which the ... uses (e.g. as a dwelling or place of work) and for which he pays a sum of money called 'rent'.
- a beneficiary
 - b tenant
 - c offeree
 - d plaintiff
-

THE LAW OF SUCCESSION

UNIT
19

- Section 1: *Grammar* Complex sentences with clauses of unreal condition
- Section 2: *Words* Abbreviations
- Section 3: *Texts*
- 1 Succession on bankruptcy
 - 2 Succession on death
 - 3 Nature of a will
- Section 4: *Speaking English* Formalities
- Section 5: *Situations*
- 1 A specimen will
 - 2 A liquidation clause of a contract
- Section 6: *Test*

Section 1 Grammar

Complex sentences with clauses of unreal condition

The following constructions are used in complex sentences with clauses of unreal condition:

(1) *if sub did such, sub would do such*

(The actions of the Principal Clause and the Clause of unreal condition refer to the present.)

If he knew the English law, he would help me now.

Если бы он знал английский право, он бы мне сейчас помог.

In *if*-clauses the verb *to be* has the form of *were* and the verb *can* has the form of *could*.

If he were here, he would translate it for me.

Если бы он был здесь, он бы мне это перевел.

If I could try, I would certainly do so. But I cannot.

Если бы я мог опробовать, я бы обязательно опробовал. Но я не могу.

(2) *if such had done such, such would have done such*

(The actions of the Principal Clause and the Clause of unreal condition refer to the past.)

If I had seen him yesterday, I would have asked him that question.

Если бы я увидел его вчера, я бы сразу ему этот спросил.

Exercise 1 Read and translate the sentences:

- 1 I would read more if he had more time.
- 2 I have not got his e-mail address. If I knew it, I would send him a message now.
- 3 If she didn't want to go to the concert, she wouldn't go. But she wants to go.
- 4 They wouldn't have any money if they didn't work.
- 5 I didn't see you when you passed me in the street. If I had seen you, I would have said hello.
- 6 I decided to stay at home last night. I would have gone out if I hadn't been so tired.
- 7 We went to the country yesterday. The view was wonderful. If I had had a camera with me, I would have taken some photographs.

Exercise 2 Read and reproduce these mini-dialogues:

- Do you want to phone him?
- Yes, I do. But I don't know his telephone number. If I knew it I would phone him now.
- If you were in my position what would you do?
- Most probably I would ask the solicitor for advice.
- It's a pity you can't drive. It would be useful if you could.
- If I had bought a car I would have certainly learned to drive long ago.
- Did you go out yesterday?
- If the weather had not been so bad, we could have gone out. But it rained cats and dogs.
- How was your holiday? Did you have a nice time?
- It was OK, but we would have enjoyed it more if the weather had been nicer.

Exercise 3 Complete, read and translate the sentences:

- 1 If I were you I wouldn't buy _____
- 2 If he were rich he would have a _____
- 3 You could get a better job if you could use _____
- 4 If we had a choice we would live _____
- 5 I took a taxi to the hotel, but the traffic was bad. It would have been quicker if I _____
- 6 If I had been hungry I would have _____
- 7 If the road had not been icy the accident _____

Exercise 4 Use the Verbs in the right forms, read and translate the sentences:

- 1 I would go out if it *(not to be)* so cold.
- 2 If Jane had not lent him the money, he *(not to be able)* to buy the car.
- 3 Karen would have been injured in the crash if she *(not to wear)* a seat belt.
- 4 If I *(to meet)* him yesterday, I *(to tell)* him the news.
- 5 If it *(to be)* warmer today I *(to put)* on this jacket.
- 6 He *(to agree)* to change the jobs if he *(to be)* younger.
- 7 They *(to pass)* the examination if they *(to be better prepared)*. But they had no time to prepare for the examination properly.

Exercise 5 Translate into English:

- 1 Я не знал о новой редакции этого закона. Если бы я знал это, я был, конечно, отметил это в своем реферате.
- 2 Весь день они провели у Христа. Если бы у них были с собой все документы, то проблема была бы решена. Жаль, что они об этом не подумали раньше.
- 3 Я был подготовлен этот документ раньше, если бы у меня была вся информация.
- 4 Нет дела. Если бы погода была лучше, мы бы пошли в парк.
- 5 Вчера у меня был трудный день. И если бы он позвонил, мы бы не встретились.

Section 2 Words

Abbreviations

There are many types of abbreviations in the English language.

1 Some abbreviations are read as individual letters:

PM	(Prime Minister)
MP	(Member of Parliament)
UK	(United Kingdom)

2 Some abbreviations are read as words:

MEP	(Member of the European Parliament)
Interpol	(International Criminal Police Organization)
Internet	(International Network)

3 Some abbreviations are only written forms, but they are pronounced as full words:

Mr	Mister
Dr	Doctor
No	number

4 Some words are used in an abbreviated form in informal situations:

exam	(examination)
phone	(telephone)
lab	(laboratory)

Exercise 6 Read these addresses, write out the abbreviations and write the corresponding full words:

Mr A. Carlton
Flat no 5
Hale St.
Borebridge

Mrs P. Moldovan
c/o T. Fox
6, Dale Ave.
Preston

N. Lowe & Co.
7, Bridge Rd.
Froehamer
UK

(Pronunciation: mister, mistress, Street, Avenue, Road, number, care of, Company, United Kingdom)

Exercise 7 Match the abbreviations with the titles and positions written in full words:

Jur.M.	Bachelor of Law
BSc	Attorney
M	Bachelor of Science
Att.	Barrister
Bac.	Master of Jurisprudence
BL	magistrate
JA	judge
J.P.	Justice of Appeal
J	Justice of the peace

Exercise 8 Explain the meaning of the abbreviations and match them with the context on the right:

Dep 1500 Arr 1742	on an airline timetable
CD	on a car-plate
GB	on a box
RUS	in the name of companies
Inc.	in the name of corporations
Co.	
Ltd.	
DVD	

Section 3 Texts

Succession on bankruptcy

When A transfers property to B it may be said that B 'succeeds' to that property, i.e. takes over the rights owned by the transferor. In law the word 'succession' has a special meaning. When we speak of 'universal succession' it may refer to two classes:

- succession on bankruptcy
- succession on death.

Bankruptcy is a condition under which an individual or a firm's liabilities to creditors exceed assets. The individual or firm is therefore unable to discharge all accumulated liabilities from realizable assets.

Bankruptcy occurs after a period in which an individual's expenditure has exceeded his income; or a firm's costs have exceeded its sales revenue. Frequently an insolvent individual or firm will become bank-

rupt and arrange for the liquidation of available assets, the proceeds being distributed among creditors.

Insolvency Act 1986 set out the procedures for dealing with insolvent companies in the UK.

Vocabulary

to succeed [sɪˈsɪd] *успешаться (успеть, осуществиться)*

assets ['æsets] *средства, активы*

to discharge *уплатить, погасить (долг)*

accumulated *накопившийся*

to occur [əˈkɜː] *происходить, случаться* *пр. to happen, to take place*

expenditure *расходы*

income ['ɪŋkʌm] *доход (личного)*

costs *затраты*

severance *разрыв*

frequently *часто*

insolvent *неспособность погасить; insolventny *неспособность погасить**

available [əˈveɪləbl] *находящийся в наличии*

proceeds [prəˈsiːdz] *выручка, доход*

to distribute *распределять*

Exercise 9 a. Read and translate the words:

bankruptcy

insolvency

to transfer

a bankrupt

insolvent

transferor

a bankrupt person

to go bankrupt

to simplify

b. Write and read as many derivatives of these words as you can:

to own

to succeed

proper

to charge

to proceed

frequent

Exercise 10 a. Choose the correct variant, read and translate the sentences:

- 1 When A transfers property to B it may (*say, be said*) that B succeeds to that property.
- 2 That is B takes over the rights (*own, owned*) by the transferor.
- 3 When we (*speak, say*) of succession it may refer to two classes.
- 4 In those cases liabilities to creditors (*arise, arise*) assets.

- 5 The bankrupt is unable (discharge, to discharge) the liabilities from the assets.
- 6 His expenditure (has, have) exceeded his income.
- 7 Their costs (has, have) exceeded their sales revenues.

b. Read and translate the sentence starting with the words 'Frequently an insolvent individual ...'. Say what construction 'the proceeds being distributed among creditors' is.

Exercise 11 a. Match and translate the synonyms:

bankrupt	income
bankruptcy	expenses
revenues	type
class	person
individual	insolvency
expenditure	bankrupt

b. Translate into English:

- 1 обанкротиться _____
- 2 передать собственность _____
- 3 наследовать собственность _____
- 4 вступать в права _____
- 5 права, принадлежащие кому-либо _____
- 6 дарю, передаю тебе права на мою собственность _____
- 7 наследование при банкротстве _____

c. Read and translate the text.

Succession on death

Obviously a person cannot own property or exercise rights over property when dead. The law bows to inevitable facts: other persons will succeed to the property owned or possessed by the deceased. All systems of law have certain rules of succession which lay down how, and to whom, the property of a deceased person is to be distributed.

Where a person makes a valid will stating how their property is to be distributed they are said to die 'testate' (from the Latin word *testes*),

to make a will). Where a person leaves no will, or an invalid will, they are said to die 'intestate'.

From an early date the law recognized the right of a person to make a will showing to whom personal property should descend. In medieval times a person had no right to dispose of freehold land as the strict feudal law laid down that the land had to devolve on the heir at law. Later, the Statute of Military Tenures 1280, permitted a male freeholder to devise (i.e. leave by will) lands, and the introduction of the 'uses' provided a further means of making dispositions of freehold property on death.

Birth, marriage, and death have always been of immediate concern to the Church. In Norman and medieval times the Church courts (separate from the lay courts) adjudicated on wills of personal property, including leaseholds. The Court of Probate Act 1867, transferred the jurisdiction relating to wills to the ordinary civil courts, where it has been exercised ever since. However, many of the rules applied today are derived from the early Church courts which applied canon law (i.e. Church law), not the common law.

Vocabulary

obvious ['obvɪəs] очевидный

to leave to such водить/бросать что-либо

inevitable неизбежный

valid 1) надлежащим образом оформленный; 2) правомерный; legally valid юридически действительный

estate оставленный имуществом; intestate неоставленный имуществом

to dispose of such [dɪs'pəʊz] распорядиться чем-либо

to devolve передавать

male мужской; мужской

probate [prəu'beɪt] доказательство подлинности завещания

Exercise 12 a. Read and translate the words:

to die
to be dead
dead
deceased

to make a will
to leave a will
a valid will
an invalid will

death
to descend
a heir
a heiress

b. Match and translate the antonyms:

male	leasehold
freehold	invalid
ordinary	death
civil	female
early	extraordinary
birth	military
valid	late

Exercise 13 Choose the right Prepositions from this list, read and translate the sentences:

to, by, over, about, in, of

- 1 This text speaks ... succession ... death.
- 2 A person cannot exercise rights ... property when dead.
- 3 The law bows ... these inevitable facts.
- 4 Other persons will succeed ... the property possessed ... the deceased.
- 5 All systems ... law have certain rules ... succession.
- 6 These rules lay down how the property ... a deceased person is to be distributed.
- 7 These rules state ... whom the property is to be distributed.

Exercise 14 a. Use the right Articles if necessary, read and translate the sentences:

- 1 Where a person makes ... valid will stating how his property is to be distributed he is said to die 'testate'.
- 2 Where ... person leaves no will, or ... invalid will, he is said to die 'intestate'.
- 3 From ... early date ... law recognized ... right of a person to make ... will showing to whom his personal property is to descend.
- 4 In ... medieval times ... person had no right to dispose of ... freehold land.
- 5 The strict feudal law laid down that ... land had to devolve on ... heir at ... law.

b. Answer the following questions:

- 1 What Statute changed that law?
- 2 Could both male and female freeholders leave lands by will?
- 3 What did the introduction of the 'use' mean?

- 4 What courts adjudicated on wills of personal property in medieval times?
- 5 How did the Court of Probate Act 1857 change the law?

Exercise 15 a. Translate into English:

- 1 указать, к кому переходу собственность _____
- 2 распорядиться землей, находящейся в собственности по безусловному праву _____
- 3 владение на правах аренды _____
- 4 переписать наследнику _____
- 5 завещать недвижимую _____
- 6 предоставлять дополнительные доказательства _____
- 7 рассматривать споры по завещаниям _____

b. Translate the text into Russian.

c. Sum up the text in 2 or 3 sentences in English.

Nature of a will

A will is a declaration of a person's intentions concerning the descent of property after death. A will is said to be ambulatory (i.e. not permanent: subject to revocation or alteration) until the death of the testator. If A makes a disposition of 'All my property to Z', the successor (Z) will receive all the property which A owns at the moment of death. The gift will include property which A acquires between the time of making the will and death. It will not, however, include property which A has disposed of between these times.

Testamentary capacity. The general rule is that any person of full age and sound mind may make a valid will. The testator is presumed sane at the time when the will was made; but if the will is contested on the ground that the testator was of unsound mind, the person propounding the will has the burden of proving the sanity of the testator.

Married women were formerly incapable of making valid wills, but legislation in the nineteenth century remedied this, so that now they have full testamentary capacity (Married Women's Property Acts 1882 and 1892, and the Law Reform Act 1935).

An infant (i.e. a person under the age of 18) cannot make a valid will, but there is an exception in regard to infant soldiers, sailors, and airmen.

Testamentary intent. Testamentary intent requires an intention to make a revocable ambulatory disposition of the testator's property taking effect on death. To possess the necessary intent, the testator must intend that the disposition comes into play immediately and is not postponed by some future event or condition.

Vocabulary

ambulatory [ˈæmbjələtəri] 1) перемещающийся, 2) могущий быть в любое время аннулированным; **ambulatory will** завещание, не определенное по содержанию

permanent постоянный

revocation отзыв

alteration [ˈɒltə'reɪʃn] изменение

testament завещание; **testamentary** основанный на завещании; **testamentary capacity** завещательная правоспособность; **testamentary intent** намерение основать завещание

to contest ('contest) оспаривать

to propose предложить, предложить

sailor военноморское здоровье, военноморская

disposition распоряжение; отправление

Exercise 16 a. Add the missing letters, read and translate the words:

decl...ration

pers...n

alt...ration

prope...ty

nom...nt

amb...latory

perman...nt

form...

sail...

so...ad

de...th

g...ft

unil...

howev...r

bankr...ptcy

b. Write the words from which these Nouns are formed, read and translate the pairs:

testator _____

successor _____

owner _____

receiver _____

legislator _____

sailor _____

airman _____

inspector _____

maker _____

testator _____

c. Read and translate these words, write short sentences using them:

to revoke — revocation — revocable — irrevocable

Exercise 17 a. Read and translate:

- 1 intention concerning smth _____
- 2 the descent of property after death _____
- 3 subject to revocation _____
- 4 to make a disposition of property _____
- 5 to acquire property _____
- 6 he has disposed of property _____
- 7 testamentary capacity _____
- 8 testamentary intent _____

b. Translate the sentences paying attention to the construction *to said to do smth*:

He *is said to be* in London now.
Говорят, он сейчас в Лондоне.

- 1 A will *is said to be* ambulatory.
- 2 He *is said to make* a will next month.
- 3 She *is said to have made* a will.
- 4 She *is said to have left* Moscow.
- 5 He *is said to be staying* in Novosibirsk.

Exercise 18 Choose the right words from the list, read and translate the sentences:

unsound, valid, minor, incapable, remedied, sanity, capacity

- 1 The general rule is that any person of full age and sound mind may make a ... will.
- 2 The ... is presumed sane at the time when the will was made.
- 3 The will may be contested on the ground that the testator was of ... mind.
- 4 The person propounding the will has to prove the ... of the testator.
- 5 Married women were formerly ... of making wills.
- 6 Legislation in the nineteenth century ... this.
- 7 Now married women have full testamentary ...

Exercise 19 Translate into English:

- 1 завещательная право- и дееспособность _____
- 2 предварительная составность завещания _____
- 3 существует исключительно в письменной _____
- 4 распоряжение имуществом _____
- 5 завещание может быть отозвано _____
- 6 оно действует в силу предварительной _____
- 7 оно не может быть аннулировано из-за каких-либо условий в будущем _____

Exercise 20 a. Write a plan of the text and retell it accordingly.

b. Write an essay on one of the topics:

- 1 Is every will revocable?
- 2 There are many special terms concerning wills.
- 3 Bankruptcy or insolvency is related to wills, isn't it?
- 4 The law of succession.

c. Present your essay as a report to your group-mates.

Section 4 Speaking English

Formalities

At a seminar at a Law School

Professor: Let us speak about the main Act governing wills. Who remembers when it was adopted?

Edward: If I am not mistaken, it was adopted in 1837 and it was the Wills Act. And it had two main provisions.

Professor: What exactly were the provisions?

Fernie: I remember only one. I mean the provision about writing. It means that a will must be in the form of a written document. Any document, for example, a letter can suffice and may include other documents existing at the time the will was made and referred to in the will.

James: May I add a few words?

Professor: Do, please.

James: Oral evidence may be given to identify these documents if they are so referred to. 'In writing' includes handwriting, print and typescript.

Professor: Good. And who can enlarge on the second provision?

Edward: It is the Signature. The will must be signed by the testator or by someone in their presence and by their direction. Initially, a partial signature, a mark, for example, even a cross or a thumb print in ink may be used.

Professor: That's true as long as the mark is clearly ascribable to the testator. And where is the signature by or on behalf of the testator to be put on the will?

Parvati: Oh, it can be anywhere on the will, according to the Administration of Justice Act 1982, Section 9.

Vocabulary

to **admit** [ə'dɪt] быть допущенным, заявить; **admits** ('sɪts) it to say...
заявляет что-то, ...

signature подпись; **autograph** signature собственноручная подпись
initials инициалы

thumb большой палец

to **ascribe** [ə'skrɪb] приписывать; **ascribable** приписываемый

Exercise 21 a. Read the words paying attention to the sounds:

[s]	[t]
the main	act governing
the Wills Act	writing
the provision	existing
the first provision	handwriting
the second provision	according
these documents	accordingly
the Administration of Justice Act	speaking

b. Read these sentences paying attention to the intonation:

- 1 Who remembers when it was adopted?
- 2 What exactly were the provisions?
- 3 Who can enlarge on the second provision?
- 4 Where is the signature by the testator to be put?

- 5 Where is the signature on behalf of the testator to be put?
- 6 May I add a few / words?
- 7 May I ask you a question?

Exercise 22 a. Read and reproduce the talk.

b. Complete the sentences the way you find proper:

- 1 The professor suggested discussing the name ...
- 2 He first asked which of the students remembered ...
- 3 It was Edward who said ...
- 4 A few students participated in ...
- 5 They spoke about ...

c. Write all the information the students gave about wills.

Exercise 23 a. Translate into English:

- 1 для основного положения договора _____
- 2 в виде письменного документа _____
- 3 может быть достигнуто _____
- 4 исключать другие документы _____
- 5 документы, которые упоминаются в завещании _____
- 6 устное свидетельство _____
- 7 поставить подпись по поручению лица,
делавшего завещание _____

b. Write out from the talk the words and expressions characterising informal style of speech.

c. Compare the style of this talk with that of the talk reproduced in Unit 18.

Section 5 Illustrations

A specimen will

I, Edward Coke, of 14 Acadia Avenue, Oxbridge, in the County of Somerset, company director, HEREBY REVOKE all wills and testamentary documents heretofore made by me AND DECLARE this to be my LAST WILL.

1 I APPOINT my wife Gladys Coke, and my solicitor, Thomas B. Macaulay, to be jointly the executors of this my will.

2 I DEVISE my freehold cottage known as The Ulaco, at Tone Dale, Oxbridge, unto my son, Hugh Coke, in fee simple.

3 I BEQUEATH the following specific legacies:

(i) To my son, John Coke, my motor-car I may own at the date of my death.

(ii) To my daughter, Carolyn Coke, all my ordinary shares in the company known as Imperial Chemical Industries plc.

(iii) To my said wife all my personal chattels not hereby bequeathed for her absolute use and benefit.

4 I BEQUEATH the following pecuniary legacies:

to my daughter Rosalyn Coke the sum of Three Thousand Pounds.

to my daughter Elizabeth Coke the sum of Three Thousand Pounds.

5 I DIRECT that any executor of this my Will being a solicitor or a person engaged in any profession or business may be so employed and act and shall be entitled to make all proper professional charges for any work done by him or his firm in connection with my Estate including work which an executor not being a solicitor or a person engaged as aforesaid could have done personally.

IN WITNESS whereof I the said Edward Coke the Testator have to this my LAST WILL set my hand this thirty-first day of March One Thousand Nine Hundred and Ninety-Nine.

SIGNED AND ACKNOWLEDGED by the above named Edward Coke the Testator as and for his LAST WILL in the presence of us both present at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names as witnesses:

Edward Coke (signed)

Thomas More (signed) ...Clerk.

Jeremy Banham (signed) ... Chartered Accountant.

Vocabulary

зрелый образцы

смерть графство

исполнение приказов, до этого

во владении [bɪ'ləʊnɪ] завещать (личность)

такому завещательный отказ дачности

исполнители

распорядитель, исполнительный, исполнительный

to be engaged in sth [ɪn'ɡeɪdʒd] заниматься чем-либо

обязательный исполнительный

to acknowledge [ək'naʊlɪdʒ] подтверждать

направить к этому

to subscribe [sɪb'skrɪb] подписывать

executed accountants сертифицированный бухгалтер; лицензированный бухгалтер

Exercise 24 a. Answer the following questions:

- 1 What do you know now about Edward Coke?
- 2 Was it his first will?
- 3 How many executors of his last will did he appoint?
- 4 Who witnessed making the will?
- 5 To whom did Edward Coke devise his cottage?
- 6 Who was to inherit his car?
- 7 What about the other members of the family?

b. Translate the will into Russian.

c. Write out all the terms associated with wills from this Unit.

A liquidation clause of a contract

Article 21. Company Liquidation

1 A company may be liquidated voluntarily in the manner established in the Civil Code of the Russian Federation, taking into account the requirements of the Federal Law and the company's charter. A company may be liquidated by court decision on the grounds provided by the Civil Code of the Russian Federation.

The liquidation of a company entails its termination without the transfer of rights or obligations to other persons by succession.

2 In the case of voluntary liquidation of a company, the board of directors (or the supervisory board) submits the issue of the company's liquidation and the appointment of a liquidation commission for decision by the general shareholders' meeting.

3 From the moment of its appointment, the liquidation commission assumes all powers to manage the affairs of the company. The liquidation commission appears in court on behalf of the company being liquidated.

Vocabulary

voluntarily ['vɒləntɪ] добровольно, охотно

civil code гражданский кодекс

take into account принимать во внимание

go into detail [m'teɪl] вдаваться (что-либо), погрузиться

termination окончание, прекращение; termination of rights прекращение прав

emergency fund необходимый фонд

issue ['ɪʃu:] вопрос

shareholder акционер

to assume powers [ə'ʃu:m] принимать на себя полномочия

to manage affairs вести дела

Exercise 25 a. Translate the following into English:

- 1 в соответствии с Гражданским кодексом РФ _____
- 2 принимая во внимание требования Федерального закона _____
- 3 устава компании _____
- 4 по решению суда _____
- 5 погрузившись в закрытые компании _____
- 6 без участия при _____
- 7 общее собрание акционеров _____

b. Translate the extract from the liquidation clause into Russian.

Section 6 Test

Choose the correct alternative

1 Good ... of English and French is often a prerequisite for an international lawyer.

- a know-how
- b know-nothing
- c knowledge
- d know

2 A receiving order is a court order which places the property of a debtor in the control of a special ... in bankruptcy cases.

- a trustee
- b trustful
- c trustfully
- d truly

3 It was alleged that the newspaper article had caused irreparable damage to the company's good name and ... reputation.

- a profession
- b professions
- c profile
- d professional

4 The Universal Declaration of Human Rights was made to guarantee the ... of fundamental rights.

- a violate
- b violation
- c inviolability
- d inviolable

5 The plaintiff claimed damages against his employer because he had been ... dismissed.

- a wrong
- b wrongfully
- c wrongful
- d wrong-doing

6 The Race Relations Act 1976 was passed to ... fair treatment for people of all races.

- a ensure
- b sure
- c surely
- d surety

- 7 The foregoing provisions have all been ... in the Bill.
- a include
 - b isolated
 - c including
 - d to include
- 8 In modern western society serious crimes are generally ... with imprisonment.
- a to punish
 - b punish
 - c punishing
 - d punished
- 9 The defendant admitted that he had published the words complained of, but pleaded the ... that they were true.
- a justification
 - b justly
 - c justy
 - d just
- 10 The Director of Public Prosecutions is the public prosecutor in the UK: the government official who brings charges against persons ... of crimes.
- a accuse
 - b accused
 - c accusation
 - d accusing

Section 1: *Grammar* Punctuation (Commas)

Section 2: *Words* Latin borrowings

Section 3: *Tasks*

- 1 Civil procedure
- 2 Case management
- 3 Commencement of proceedings

Section 4: *Speaking English* Trial

Section 5: *Illustrations*

- 1 Criminal procedure in a magistrates' court
- 2 Criminal procedure in the Crown Court

Section 6: *Crossword puzzle*

Section 1 Grammar

Punctuation (Commas)

There are the main cases when commas are used:

(1) When some enumerations are made:

They invited Mr Brown, Mr Smith, and Mr Taylor to the trial.

(2) When direct addresses are made:

You must agree, Mr James, that outstanding work has been done.

(3) When post addresses are written on one line (street, town, county, country):

I, Edward Cole, of 14 Acacia Avenue, Oxford, in the county of Somerset, announce ...

(4) To separate introductory or transitional words:

In addition, his knowledge of French is very good.

This material is not, however, very illustrative.

You have checked these facts, so doubt.

- (5) To separate the word *please* at the end of the sentence:

Repeat it, please.

- (6) To separate an adverbial clause or phrase, standing before the principal clause:

When he entered the room, he immediately saw her.
In the summer of 2006, a few scandalous trials were held there.

- (7) In dates before the year:

On January 3, 2007, they opened their office in Paris.

Note: The two variants are correct:
They first met in June 2004.
They first met in June, 2004.

- (8) Used before and after a non-defining relative clause, which gives some, not very essential information about the noun it refers to:

The forest, which has been favourite with bikers for many years,
is located between Leicestershire and Yorkshire.

Note: 1 No commas are used around a relative clause that defines the noun it refers to:

The forest that separates Leicestershire from Yorkshire is called Fine Woods.

2 No commas are used before object clauses:

He knows that she has already graduated from University.

- (9) Sometimes commas are used to separate clauses of compound sentences, linked by conjunctions *and*, *as*, *but*, *or*:

They came early in the morning,
and we discussed all the details of the case.

Exercise 1 Explain the use of commas, read and translate the sentences:

- 1 If I am not mistaken, the Act was adopted in 1837.
- 2 Any document, for example, a letter can suffice.
- 3 Send this letter to Mr Wright, 1639 East 69 Street, Cleveland, Ohio 77116, before Tuesday.
- 4 Debbie Robins, the Company's legal advisor, is here to see you.

- 5 In the spring of the year, their thoughts may be diverted from academics.
- 6 For a period of six months, the new employee is on probation.
- 7 When you have finished, please return the manual.
- 8 Dana Fladhewner, L.L.M., has a flourishing practice in Tempe, Arizona.
- 9 Your present insurance, Mr Nelson, does not cover the care and custody belonging to others.
- 10 Debbie is from Ames, Iowa, and is now working in Des Moines.

Exercise 2 a. Match the introductory or transitional words with their translation:

all things considered
as a matter of fact
as a result
as a rule
consequently
in addition
in my opinion

в результате
учитывая все это
по-моему
фактически
в дополнение ко всему
как правило
следовательно

b. Write the following sentences using some of the words, read and translate the sentences:

*however, in fact, in other words, in the first place, nevertheless,
no doubt, incidentally, by the way, at your convenience*

- 1 He said he would come ... he did not keep his word.
- 2 We are convinced ... that our attorney's fees are most reasonable.
- 3 You may ... submit a report describing when, where, and how we should proceed.
- 4 ... it was the president, not the vice president, who wanted to see you.
- 5 ... she was right in every respect.
- 6 He was tired ... he decided to read all these materials.
- 7 He will pass the exam ...

c. Translate these words and write sentences of your own using them:

on the one hand _____
on the other hand _____
therefore _____

of course _____
on the contrary _____
otherwise _____

Exercise 3 Write out the defining relative clauses, explain the use of commas, read and translate the sentences:

- 1 Any student who has not signed up for a team by this time must see the instructor.
- 2 We received a letter from Anne Diga, who is now living in Anchorage, Alaska.
- 3 A student who is studying English certainly needs an up-to-date dictionary.
- 4 Mr Franklin T. Molloy, who is a magistrate's judge, has been elected chairman of the council.
- 5 Anyone who is interested in applying for this job should see Mrs Sheridan.
- 6 Only Mr Hudson, who is a specialist in information systems, is qualified to write that report.
- 7 Melissa Meyer, speaking on behalf of all classified employees, gave a welcoming address.
- 8 On October 25 the President and I visited Sandra Goodell, who is director of Sandra Goodell Public Relations.

Exercise 4 Use commas where necessary, read and translate the sentences:

- 1 Initials a partial signature or even a cross can be used on the will.
- 2 If you need help please call.
- 3 It appears sir that a mistake has been made here.
- 4 I believe that Cole's sister Samantha will be accompanying us.
- 5 I hope that his brother Gary will be able to join us.
- 6 All things considered the company will be obliged to pay the fees.
- 7 You will in addition receive a free brochure outlining our programs.
- 8 The alternate plan on the other hand will not improve the situation.
- 9 Judith Lowbury Ph.D. discussed degree requirements with the college president.
- 10 You can avoid patent trademark and copyright problems by working with an attorney.

Section 2 Words

Latin borrowings

There are a few types of Latin borrowings in the English language.

(1) Some Latin borrowings are written as Latin abbreviations but are read as their English equivalents:

la. (id est)	[ˈðeɪ ɪz]	t.o.
e.g. (enim quod)	[for ɪnˈfæmɪ]	winoway

(2) Some Latin borrowings are written as Latin abbreviations and are read accordingly:

v (versus)	[ˈvɜːsɪs]	против
v.t. (vide versus)	[ˈvɜːs ˈvɜːsɪs]	наоборот
ll. (in littera)	[ɪn ˈlɪtʃə]	как указывается ниже

(3) Some Latin borrowings have preserved their original spelling and are read accordingly:

per se	сам
inter vivos	при жизни
visi	смотра (отметка на документе об окончательном и окончательном)
de facto	на деле
de jure	юридически
de lege	законом

4 Some Latin borrowed nouns have preserved their original spelling in the singular and the plural:

ministerium	министерства	ministeriuma
colleteria	красоты	colleteria
dieta	диета	dieta
pharmacologia	фармакология	pharmacologia
curriculum	курс обучения, учебный курс	curricula
curriculum vitae	резюме	curricula vitae

Exercise 5 a. Read and translate the following:

L.L.B. (Legum Baccalaureus)	— Bachelor of Laws
L.L.M. (Legum Magister)	— Master of Laws
L.L.D. (Legum Doctor)	— Doctor of Laws
NB (Nota Bene)	— Take Notice
PS (Post Scriptum)	— Sentences Added

b. Check how well you remember these words and match the equivalents:

lat	dam no lege
per se	no damage
ex officio	done by law or order
nisi prius	before, first, previous
actus reus	essential fact
damus pro	we cannot deduct
injuria sine damno	damage without legal injury
damnum sine injuria	legal wrong without damage

c. You can easily guess the meaning of these Latin expressions:

Alien iudex	_____	causa belli	_____
bona fide	_____	status belli	_____
ex profecto	_____	status quo	_____
Bona sepius	_____	calenda nam	_____
in extremis	_____	coram incognita	_____
modus vivendi	_____	verū, vili, vici	_____
perpetuum mobile	_____	post factum	_____
pro et contra	_____	velo	_____

Section 3 Texts

Civil procedure

Persons considering themselves to have a civil claim against another will normally consult their solicitor. If unable to afford this they may first visit a Citizens' Advice Bureau and take advantage of the facilities available under the Access to Justice Act 1999. There is no obligation to consult a solicitor, but legal procedure is technical and detailed and it is a matter of common sense to take advice from those who are experienced and qualified to give it.

The first step for the solicitor is to ascertain whether a cause of action is disclosed or whether the matter may be resolved by a straightforward letter to, for example, a debtor asking for payment. This may be all that is required but, if legal action is needed, the next step is to see whether the action will be taken in the county court or the High Court. No court can entertain an action unless it is legally empowered to do so.

The Civil Procedure Act 1997 amends the law as to civil procedure in England and Wales. The Act provides for the making of Civil Procedure Rules (CPR) governing the practice and procedure to be followed in the civil division of the Court of Appeal, the High Court and county courts.

The new CPR, which came into effect on 26 April, 1998, enable the courts to deal with cases justly which means equal footing of the parties: the saving of expense, taking into account the importance of the case, the complexity of the issues and the financial position of each of the parties. The cases should be dealt with expeditiously and fairly eliciting an appropriate share of the court's resources.

The person making a claim in a civil court previously called 'the plaintiff' has now been re-designated 'the claimant'. Those claims which were previously commenced by the issue of a writ has now been replaced by a claim form.

The only exception to the application of the CPR are: insolvency proceedings, probate proceedings, Prize Court proceedings, Court of Protection proceedings, family proceedings and adoption proceedings.

Exercise 6 Translate and read the following words. (Consult dictionary if necessary!)

to afford	equal footing
to take advantage of	expeditious
common sense	to a lot
straightforward	appropriate
to ascertain	previous
to empower	writ

Exercise 7 Answer the following questions:

- 1 Whom do people having claims normally consult?
- 2 Are the services usually rather expensive?
- 2 What services are offered for those who cannot afford high fees?
- 3 Is consulting a solicitor obligatory?
- 4 Why do many people, nevertheless, turn to solicitors?
- 5 What is the first step of the solicitor, in most cases?
- 6 What is the next step of the solicitor if he sees that legal action is needed?

Exercise 3 Complete the sentences as in the text and translate them into Russian:

- 1 No court can entertain an action unless...
- 2 The Civil Procedure Act 1997 amends the law as to ...
- 3 The Act provides for the making of ... governing the practice and procedure to be followed in ...
- 4 The new CPR, which came into effect ..., enable the courts to ... equal footing to the parties.
- 5 The cases should be dealt ... allotting an appropriate share ...

Exercise 8 a. Choose the right words, read and translate the sentences:

claimant, plaintiff, form, proceedings, writ

- 1 The person making a claim in a civil court previously was called the ...
- 2 Now this person is called the ...
- 3 Some claims were previously commenced by the issue of a ...
- 4 Now it has been replaced by a claim ...
- 5 The only exceptions are insolvency ..., probate ..., Prize Court ..., Court of Protection ..., family ..., and adoption ...

b. Retell the text.

Case management

There is now a positive duty placed on the court to manage cases. The governing rule (CPR r. 2.4) gives the court a great deal of flexibility, allowing performance by any judicial officer, whether a district judge, master or judge.

The preliminary stage of case management is mainly concerned with the allocation of a defended claim to the appropriate track. There is no 'automatic' allocation, each case requires a judicial decision. The court will not allocate a claim to a 'lower' track unless all the parties consent.

The CPR state that, as soon as a defendant has been filed, the parties are to complete the allocation questionnaire which will provide the court with details relating to the claim. This will also assist the court to allocate a case to one of the three tracks for an appropriate court hearing.

The small claims track will normally be limited to claims of £5000 or under excluding personal injury claims or housing disrepair claims

which exceed £1000 and tenancy harassment or unlawful eviction claims and claims involving allegations of dishonesty.

A fast track is the normal track for claims broadly falling between £5,000 and £15,000 and which, it is estimated, will be disposed of by a trial which would not normally exceed a day.

The multi-track is the normal track for any claim not allocated to the small claims track or the fast track. Claims on the small track or fast track will be considered in the County Court whilst claims on the multi-track will be in either the County Court or the High Court.

Allocation to the track is the main but not the only function at this preliminary stage of case management. The court will also consider striking out a statement of case, summary judgement and whether to give case management directions pursuant to Part 27,28 or 29 as appropriate.

Exercise 10 Translate the following into English:

1)
Управление судебными делами _____
судебный чиновник _____
окружной судья _____
судебный распорядитель _____
ответчик _____
стороны иска _____

2)
предварительная стадия ведения дела _____
вопросы, относящиеся к иску _____
соответствующее слушание дела в суде _____
рассмотрение мелких исков _____
иски, связанные с причинением ущерба _____
причинение беспокойства жильцам _____
незаконное выселение _____
обязанности и ответственность _____
исковое заявление _____
крепкое решение _____
направление иска в соответствии с _____

3)

нести дела в суд _____
предоставлять судам возможность действовать
со всей гибкостью _____
направлять иск в одну из трех инстанций _____
требовать справедливого юридического решения _____
принять к общему составу _____
зарегистрировать документы _____
заполнить анкеты _____
дать предварительную оценку _____
занимать не более одного дня _____
исчерпывать _____

4. Translate the text into Russian.

Commencement of proceedings

Part 7 of the CPR states that proceedings are started when the court issues a claim form at the request of the claimant. The claim form is now the sole form originating process for all claims in the High Court and county courts. In the new CPR law cases, it is the claimant who makes a claim. A defendant may now respond by filing a defence to which the claimant may respond by filing a reply.

The standard method of commencing a claim under the CPR is by the court issuing a claim form prepared for or by the claimant at the request of the claimant. The claim form is to set out essential details of the claim, incorporating a concise statement of the nature of the cause of action and a statement of the remedy sought.

The claimant is also required to provide rather fuller particulars of claim which must include a concise statement of the facts upon which he or she relies.

R.22.1 requires that every statement of case or any witness statement must be verified by a statement of truth. The jurisdiction for this requirement is that it provides some guarantee that the statement is made with honest belief as to the accuracy of its contents. In addition, it means that it is likely to include assertions that are groundless or speculative. In certain circumstances, a statement of case supported by statement of truth may be relied on as evidence.

In accordance with r.32.14, in certain circumstances, a false statement made in a document verified by a statement of truth may lead to a liability for contempt of court.

Exercise 11 a. Use the right Articles if necessary, read and translate the sentences:

- 1 ... Part 7 of ... Civil Procedure Act 1997 states that proceedings are started when ... court issues ... claim at ... request of the claimant.
- 2 The claim form is ... sole form originating process for all claims in ... High Court and ... county courts.
- 3 Now it is ... claimant who makes ... claims.
- 4 A defendant may now respond by filing a defence to which ... claimant may respond by filing ... reply.
- 5 The court issues ... claim form prepared for or by ... claimant.
- 6 ... claim form is to set out ... essential details of ... claim.
- 7 It incorporates ... statements of ... nature of ... cause of action and a statement of ... remedy sought.

b. Use the right Prepositions, read and translate the sentences:

- 1 The claimant is to provide a concise statement ... the facts ... which he relies.
- 2 The CPR require that every statement ... case or any witness statement must be verified ... a statement ... truth.
- 3 The jurisdiction ... this requirement provides some guarantee that the statement is made ... honest belief as to the accuracy ... its contents.
- 4 ... addition, it may include the assertions that are groundless or speculative.
- 5 ... certain circumstances, a statement of case supported ... statement ... truth may be relied ... as evidence.
- 6 In accordance ... rule 32.14, a false statement may lead ... a liability for contempt of court.

c. Sum up the text in 2 or 3 sentences.

Section 4 Speaking English

Trial

At a seminar at a Law School

Professor: Before we speak about the usual procedure of the trial let us speak about some particulars. As you know, the trial date having been fixed, the action proceeds on the date named in the court named. Can the trial be delayed?

Willard: Many things may cause delays. For example, the illness of the claimant, defendant or an important witness. And similar matters. So adjournments may have to be made.

Professor: Right you are. And if the defendant does not appear at the court without any visible reason?

John: If after all the documents have been served, the defendant does not appear, the trial may proceed in his absence and judgement may be entered for the claimant, usually with costs to the defendant.

Emily: I would like to add a few words, if I may.

Professor: Go ahead, please.

Emily: The claimant may also fail to appear at the court giving no explanation for his absence. In this case the action will generally be struck out for want of prosecution. The action may be reinstated for sufficient cause on the claimant's application.

Professor: That's quite true. Now let's assume that both parties are present with their witnesses and their respective solicitors or counsel. What is the usual procedure of the trial before the judge? Let's go step by step.

John: Step 1 — Claimant's lawyer makes an opening speech, describing the issue to be resolved and explaining how it is proposed to prove the points at issue.

Step 2 — Claimant's lawyer calls the claimant's witnesses and examines them. They are then cross-examined by

the defendant's lawyer, in order to test the truth of what each witness says on oath.

Professor: And what are the next steps?

Emily: Step 3 – Defendant's lawyer calls the defendant's witnesses, who testify what they know of the matter. Defendant's lawyer examines the witnesses, and they are cross-examined by the claimant's lawyer.

Step 4 – Defendant's lawyer makes a speech to the judge, comments on the points relevant to the issue and, if a point of law is concerned, the statute or cases are brought to the notice of the judge. And the lawyer asks for judgment in the defendant's favour.

William: Let me also participate and say a few words about the progress of the trial. At Step 5 claimant's lawyer makes a speech in reply, comments on the relevant factors, urges points of law and asks for judgment in favour of the claimant.

And at Step 6 the judge makes a decision. If sitting alone the judge will give judgment which is then entered on the court records. If a jury is present the judge will address the jury on the facts and the law, and ask them to consider their verdict.

Professor: Thank you. We have done a very good job today.

Exercise 12 a. Write out and read all the questions of the Professor paying attention to the right intonation.

b. Write out words, expressions, and sentences characterising informal talk, if you find any.

c. Write out a few words, expressions, and sentences characterising rather formal style of speech.

d. Read and reproduce the talk.

Section 5 Illustrations

1 Criminal procedure in a magistrates' court

Let's assume a simple case. X exceeds the speed limit when driving a car on the highway. X is stopped by a police officer who informs X that he will be reported for summons.

Then the police officer submits the report and from this an information is prepared. An information is a statement, usually written, setting out the details of the alleged offence.

From the information the clerk to the justice prepares a summons which is signed by J.P. The summons is then served on the defendant, usually by sending a copy by post. The summons informs X of the date, time and place of the court and the statute (or common law rule) infringed.

In minor offences, the Magistrates' Courts Act 1952 provides a procedure by which a defendant may avoid attendance at court by sending a form through the post to the clerk of the court pleading guilty. The defendant may make any written explanation, which will be considered by the court. This saves much time and the case is quickly disposed of, usually by a fine.

A defendant who strongly wishes to contest the case will attend the court on the day named. When the magistrates are ready to hear the case, X's name will be called out. X will be directed to a position in the court. The alleged offence is read out to the defendant who is asked to plead. X pleads 'Not Guilty'. First the solicitor will give a short outline of the facts, and then ask the police officer to enter the witness box and after being sworn, to give evidence. ... After the police officer and the defendant give their versions the justices announce their verdict of Guilty or Not Guilty.

In many cases in these courts there are more serious matters. The burden of proving the guilt of the accused rests on the prosecution throughout the trial. The accused person is presumed innocent until the contrary is proved.

Exercise 13 a. Complete and read these questions:

- 1 What simple case ... at the beginning ...?
- 2 What report ...?
- 3 What does the clerk do ...?
- 4 How is the defendant ...?
- 5 May the defendant avoid ...?
- 6 What happens if the defendant strongly ...?
- 7 Are more serious cases ...?

b. Write your answers to the above questions. Make your answers as full as possible.

2 Criminal procedure in the Crown Court

Cases committed to the Crown Court by the magistrates are triable by judges and jury.

Proceedings start with indictment, which is a written accusation of the crime for which a person is to be tried by the Crown Court. A 'bill of indictment' must first be given to the clerk of the court. When the judge (or recorder) is satisfied that the requirements of the law are complied with, the clerk may be directed to sign the Bill and, when this is done, the document becomes an 'indictment'.

Then after some formalities a trial may take place. The defendant is 'arraigned' when the clerk of the court calls the defendant by name to the bar and asks: 'How say you, are you guilty or not guilty?' The actual pleading to this question, i.e. guilty or not guilty, must be by the defendant, not by the counsel.

Where the defendant pleads not guilty, a jury is empanelled from those potential members of the jury called to attend the court. They take the oath and are sworn to 'well and truly try the case according to the evidence'.

After the prosecuting counsel outlines the case, witnesses are examined and cross-examined, evidence is given and closing speeches are made, the judge (or recorder) addresses the jury. He directs the jury on the law, sums up and explains the matter. The jury retires and deliberates in secret without any interference from anyone. The verdict is theirs and theirs alone.

If the defendant is found guilty by the jury, defence counsel will make a plea in mitigation bringing out those facts which ought to be borne in mind by the court before the sentence of the court is awarded by the judge.

Exercise 14 a. Write questions the answers to which are given here:

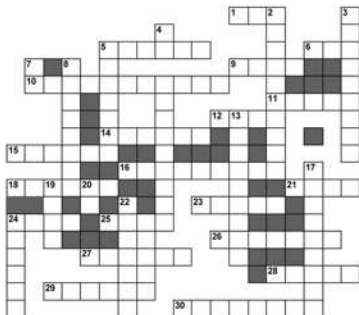
- 1 — _____?
— Judges and jury try them.
- 2 — _____?
— They start with indictments.
- 3 — _____?
— When the judge is satisfied that the requisite merits of the law are complied with.
- 4 — _____?
— After some formalities.
- 5 — _____?
— Yes, I know the meaning of the word.
- 6 — _____?
— It happens if the defendant pleads not guilty.
- 7 — _____?
— Defence counsel will make a plea in mitigation then.

b. Write a composition comparing the above two texts on the procedures in different courts.

c. Write a composition comparing this Unit with the previous ones.

d. Present one of the two compositions as a report to your group-mates.

Section 6 Crossword puzzle



Complete the puzzle by solving the clues below, and finding the word or phrase that fits in each space:

Class across

- 1 An English law graduate is a Bachelor of Laws and can put these letters after his or her name
- 5 The plan of action of a government or political party
- 6 A member of the European Parliament
- 9 Without the Royal Assent it will never become an Act
- 10 Legal action in a court of law, or everything that happens in Parliament or the Cabinet
- 11 The Queen or King in his or his official capacity, and the precious gold object he or she wears at ceremonies, symbol of royal power
- 12 It may not be safe for an MP to have it in Parliament
- 14 The government is elected to do this
- 15 A formal discussion: e.g. in parliament
- 16 Queen Elizabeth II has been ... of the UK since 1952
- 18 A general term for a person who has studied law and can act for people on legal business
- 21 Fair or right, what every law should be
- 23 An independent nation under a sovereign government
- 24 The ... to the throne hopes to become a sovereign one day
- 25 This branch of private law deals with civil wrongs
- 26 A member of the electorate
- 27 A highly specialised legal expert, who may write works of authority
- 28 To make into a law by a legislative act
- 29 Their job is to interpret and apply the law
- 30 A government department headed by a minister, or the body of ministers of the government

Class down

- 2 Election to Parliament held by itself and not during a General Election, e.g. because of the death of a member during a legislature
- 3 In 1979 Her Majesty the Queen ... Margaret Thatcher Prime Minister for the first time
- 4 He works in the State administration ... and sounds very polite

- 6 It may be hereditary or for life, and it gives the holder the right to sit in the House of Lords
- 7 This representative is a member of the House of Commons
- 8 This dividing line separates one constituency from another ... and may help a party to win or lose a seat
- 13 ... rights are rights recognised by Equity
- 17 Constitutional conventions are part of ... law, and in fact the common law has the same original source
- 19 This member of the Commons must make sure that all his party's MPs follow the party line and vote as they should
- 20 Boris Yeltsin is ...-president of Russia
- 22 The main ... of English law are judicial precedent and legislation
- 24 The two chambers of the UK Parliament – Commons and Lords – are called the ... of Parliament

Keys to Tests and Word games

Unit 4

- | | |
|-----------|------------------|
| 1 law | 7 procedure |
| 2 act | 8 successor |
| 3 legal | 9 legislation |
| 4 court | 10 enforcement |
| 5 senate | 11 independence |
| 6 damages | 12 transgression |

Unit 7

a)

- | | |
|----------------|-----------------|
| 1 judge | 7 innocent |
| 2 undertaking | 8 case |
| 3 remedy | 9 trial |
| 4 intimidation | 10 imprisonment |
| 5 statute | 11 ordinance |
| 6 defendant | 12 nation |

b) jurisdiction responsibility

Unit 9

- 1 Law lord
- 2 Appeal
- 3 High Court
- 4 Circuit
- 5 Recorder

Unit 10

- 1 Officials
- 2 People involved
- 3 Legal actions
- 4 Courts

Unit 14

1c 2a 3c 4c 5d 6b 7d 8b 9a 10b

Unit 15

1b 2d 3a 4b 5d 6a 7c 8a 9b 10c

Unit 16

- | | |
|------------|-------------|
| 1 national | 6 liability |
|------------|-------------|

2 human
3 arbitration
4 convicted
5 evidence

7 sovereignty
8 breach
9 treaty
10 plead

Unit 17

1d 2a 3c 4b 5a 6d 7c 8b 9d 10a

Unit 18

1a 2b 3d 4a 5c 6d 7a 8c 9a 10b

Unit 19

1c 2a 3d 4c 5b 6a 7b 8d 9a 10b

Unit 20

Across

1 LLB
5 policy
6 MEP
9 Bill
10 proceedings
11 crown
12 seat
14 govern
15 debate
16 sovereign
18 lawyer
21 just
23 state
24 heir
25 tort
26 elector
27 jurist
28 enact
29 judges
30 ministry

Down

2 by-election
3 appointed
4 civil servant
5 peerage
7 MP
8 boundary
13 equitable
17 customary
19 whip
20 ex
22 sources
24 houses

ENGLISH - RUSSIAN VOCABULARY OF LAW TERMS

A

affidavit выписка, выдержка (из документа); **affidavit of official**
выписки, выдержки из решений суда или арбитража; **to affidavit**
жить выпиской, выдержкой (из документа)

affidavit 1) отказ (от должности, права, религии); 2) отречение (от про-
стола)

affidavit письменное другого лица (особенно жителя, ребенка, иностран-
ца); **affidavit by** вверь положение другого лица с помощью обыва
affidavit повелительное к совершению проступления

affidavit правоспособность, дееспособность

affidavit отказ (в суде, в проходе права судебным решением)

affidavit правоспособность; **affidavit** правоспособность правоспособности

affidavit отмена, удержание

affidavit сокращать, уменьшать; **affidavit** (для части искомых законов)

affidavit отменить, аннулировать, удерживать; **to affidavit a right** анну-
лировать (судебным) право

affidavit ограниченный (о решении суда)

affidavit вверь вверь воздержаться от произнесения слова

affidavit 1) зыбкость, выдержка; 2) критическое отношение (документа, факта);

3) критическое отношение, критический, резкий

affidavit 1) злоупотребление; 2) оскорбление; 3) дурное обращение

affidavit вступить (в право, в доказательство, во владение, в организацию);

to affidavit **to** **affidavit** вступить во владение недвижимостью

affidavit поступить, пройти поступить

affidavit принимать, согласовывать, удерживать

affidavit сообщать, сообщать

affidavit согласно, соглашению; **to affidavit** увещивать предложить слово
для обвинения

affidavit закончить (о праве), раскрыться (о праве)

affidavit обантвить, провозгласить официальное обвинение (о совершении пре-
ступления)

affidavit признать, подтвердить; **to affidavit** **affidavit** **affidavit** признать
в совершении проступления

1

Или поручительство, то есть, если он был оштрафован на парковку, то кто был поручителем

Война (1) судовой приют; 2) упрямый мясник, похититель;
3) война (главным образом мясник, судья)

Mark C. Sullivan, DVM, MS, DACVP, DACVIM, DACVIM (Neurology):

Isolated function: to isolate a function; to be an isolated observation

[illegible]

hargaining переговоры; **collective bargaining** переговоры о заключении коллективного договора (связи промышленностью и профсоюзами)

Безопасность, стабильность, демократия и развитие

Becker, Robert M., Elizabeth A. Becker, Barbara R. Becker (eds.)

back **end** **of** **the** **line** **of** **the** **game**

কেন্দ্রীয় সরকারের নীতিমালা অনুযায়ী

Внезапная смерть в Нью-Йорке

■ 1) иск, исключение из правил; 2) судебный процесс; 3) протокол, заявление; 4) законопроект, закон, законодательный акт

binding *материальное обязательство* *связь*; **binding upon both parties** *обязательный для обеих сторон*

Blackwell Institute for Blackwell Institutions

Isotop priručnik, knjižica, uputnik; board of complaint knjižica za razmatranje žalbi

body 1) орган, организм; 2) главная часть; body of law совокупность правовых норм; governing body руководящий орган; law enforcing body правоохранительный орган

Век 1) скелет; 2) место в суде для дачи свидетельских показаний

Вместе с тем, как и в случае с другими странами, в России наблюдается тенденция к снижению доли населения, считающего себя «полностью здоровым».

break. HEADLINE:

Public Health Officer (PHO)

Вот что нужно сделать: не влиять сильно на крепкое население, дать крепкое население.

Being a case before the court, however, creates a new, more, in all

5

сильнейшие: 1) энтропировать доказательствами; 2) выдать оспариваемый;
3) предоставить доказательства.

control system: to control a control system, namely

CAROL DONALDO, HOUMA, SEACH

case 1) случай, положение; 2) судебное дело; 3) материал дела; самое
 основное, моты, причина; слабость; еше of поше основание иса;,
 сша of итаи основание для арсте
 certificate удостоверение, свидетельство, сертификат, справка; исау's
 oertificate нотариальное свидетельство
 certify удостоверить, заверять, подтверждать
 claimant претендент; рекламщик; характеристика
 claim обменник: as a claim claim по логному обменнику; to claim a
 claim изложить объяснение; to deny a claim оспаривать обмен-
 ник
 claimer устье; claimer of incorporation свидетельство о присвоении статуса
 incorporation
 claimer незаконная собственность, незаконность
 claimer логичная вещь (объект права собственности), логичное имущество,
 исключительная собственность
 claimer гражданство; claimer of claimer выбор гражданства; law of
 claimer утрата гражданства
 civil code гражданский кодекс
 claim требование, право требования, претензия, рекламщик, нос; to
 claim предъявлять претензию, требовать; claim of claim заявлять
 иаи
 claimer истца, претендент; copyright claimer претендент на авторские
 право
 claim статья, пункт, оговорка, условие; claimer совершающий оговорку
 code кодекс, код; code of claimer оговорка нормы доказательственного-
 го права; code of practice процессуальный кодекс
 criminal/real code уголовный кодекс
 conflict of rights совокупность прав
 conviction 1) приезд о иишечном; 2) подтверждение
 conviction а claim совершить преступление
 conviction 1) обязательство, обязанность; 2) приезд о заключении в
 тюрьму
 conviction жалоба, претензия, рекламщик, нос; to lodge a conviction по-
 лить иаибу/ак
 conviction обязательный, принудительный
 conviction оуждать, приговаривать; to convict a claimer признать логич-
 ную иаишечную
 conviction причастный(и), сознаться
 conviction логичные свободы; to keep in conviction совершить в иаишеч-
 ный
 conflict of claim коллизия претензий

совершающ оговор (о совершении преступления)
 оспаривающ избирательный округ
 оспаривающ толкование; оспариваю толкование; во оспариваю broadly толковать
 рассуждательнo; во саваче разбiснiу толковать ограниченнo
 оспариваю нарушение (норм права)
 оспариваю спор; во оспариваю оспаривать
 оспариваю потерпевшi; сторони в договоре
 оспариваю передачу правового титула
 оспариваю оспаривание; во оспариваю оспаривать
 copyright авторское право
 оспариваю суд, судья, судьян
 оспариваю акт за печатью
 оспариваю преступление; кара оспариваю преступление по закону
 оспариваю-контрвопрос несовершеннолетний допрос
 оспариваю зарплата, личное свободн

В
 damage ущерб, вред; claim damage материальный ущерб; damage убыток
 debt долг о возмещении денежного долга; debtor должник
 decree указ, декрет, судебное решение
 deed действие, поступок, деяние; deed of gift дарение акт дарения при
 deed записка, аргументация отговорок; deed of assent подписание
 исключение
 defendant ответчик, обвиняемый, подсудимый
 delegate уполномочивать
 delict нарушение закона, правонарушение
 delinquency невыполнение обязанностей, нарушение, правонарушение
 delinquent правонарушитель, иск
 delinquent обвинять преступником с умышленным деянием
 delinquent деяние
 delinquent исключение удержание имущества
 delinquent отклониться от существа дела
 discharge исполнение, отравление
 dismissal отклонение (иска); dismissal of charge отклонение обвинения;
 dismissal of reason отказ в просмотре
 disorder нарушение общественного порядка
 dispute спор; settle to the dispute сторонам—участникам спора; to dispute
 оспаривать
 dissolution расторжение, прекращение; voluntary dissolution добровольное
 прекращение
 dissolving распорядитель

форма: полная и абсолютная собственность на недвижимость
факт: интрагосударственный

Е

effect юридическое действие

eligibility обязательное право

enact устанавливать, принести и законодательном порядке

enactment 1) принятие (закона); 2) установление в законодательном порядке; 3) законодательный, нормативный акт

enforce делать порочающе, навязать, выясняться на основе

enforcement принудительное применение (права, закона), правоприменение; enforcement of law применение норм права к факту совершения преступления; enforceable law enforceable правоприменение законодательными методами

enquiry расследование, рассмотрение; judicial enquiry судебное следствие

enquiry самостоятельное образование, самостоятельная правовая оценка;

judicial/legal enquiry 1) судебное следствие; 2) субъект права

equity 1) справедливость; 2) право справедливости; правосудие на основе права справедливости; equity of value общий смысл и дух закона

estate 1) имущество, собственность; 2) имущественно-правовой титул, право наследного характера, имущественный интерес в недвижимости; real estate недвижимое имущество

eternal высочайшее, вечное владение по суше

evidence средства доказывания, доказательства; свидетельские показания; examination опрос, допрос (в суде), следствие, расследование

execute 1) исполнять, совершать, оформлять; 2) казнить

execution 1) исполнительная власть; исполнение; 2) удержание, член правительства

exempt освобождать, изымать, исключать; предоставлять льготу

exile изгнание; высылка из страны

express прямо сформулированный; be express прямо установленный; to express by law прямо установить в законе

Г

face лицевая сторона (документа)

file подавать, фиксировать

firmly твердо, определенно, твердо

firing огня зенит в армию, зенит в армию; firing firing ольс-судоприказание армии

hearing слушание, устное разбирательство, допрос в суде; appeal hearing рассмотрение апелляции; factual hearing судебное рассмотрение фактов по делу

will наследник; beneficiary will наследник по завещанию

binding договор личного найма; договор найма домашнего работника; binding at will бессрочный найм

blamey история, происход., совокупность известных фактов; blamey of criminality досудебное присутствие; legal blamey история правонарушения; legislative blamey история принятия закона (применяемая для его толкования); presiding blamey история процесса (как часть процесса американской системы)

bold предпринимать, решать, выносить решение; to hold an action поддерживать судебный иск; to hold hearing проводить слушание

bonafide genuinely человека хозяин; bonafide by mistake случайное изменение владельца хозяина

bonafidebylaw законом alone

1

identity личность; identity of parties личность сторон

illegal лицо на незаконном положении; illegal to hold незаконный по своей природе

illegitimacy незаконность; незаконность

illegitimacy непринадлежность, незаконность; illegitimacy from birth незаконность от происхождения к суду

impose обязать (судимых должностное лицо) и ментальными возможностями обязанностей

imposing обращение в суд; привлечение к суду

implementation исполнение, введение в действие; legal implementation юридическое оформление

imposed взаимное условие, положение

impose доказать, установить; to impose a judgment наложить судебное решение; to impose an order вынести приказ

imposition законение; изъятие (оформление)

imposition терпение исключение; imposition for life пожизненное тюремное заключение; to send to imprisonment поддвинуть тюремному заключению

imposition экстраординарный; imposition to assist a crime экстраординарно к совершению преступления

inspiration предоставление: прав юридического лица, предоставление статуса корпорации

inspiration исключение ущерба, компенсация

liability гарантия возмещения ущерба
 liable обвинить по обвинительному акту
 liable возбуждать, склонять; to liable to и liable склонять к совершению
 проступлений
 liability неправомочность, отлучение права
 liable возносить; излагать, жаловаться (наказывать); to liable а liable при-
 нять убыток; to liable liability liable причинить тонкость погрешности;
 to liable penalty назначать штраф
 liable возносить; to liable by right of participation возносить по
 праву законного представительства
 liability судебный запрет, запретительная норма
 liable вред, ущерб, нарушение права другого лица; liable by accident слу-
 чайное принятие вреда; liable damage to life телесное поврежде-
 ние, отягощение для жизни
 liable несправедливость, скупость и прикосновен; liable liable justice
 несправедливость
 liable значительный; liable liable соизмерен
 liable незначительный; liable in fact фактически незначительный; liable
 to law невинный по закону
 liable размножение, дознание, следствие
 liable неосостоятельность, банкротство
 liable оскорбление; calculated liable преднамеренное оскорбление; great
 liable серьезное оскорбление
 liability целостность; честность
 liable намерение, умысел
 liable интерес; право; долг; interest in estate всякое право; interest in
 fee-simple безусловное право собственности; interest in land право в
 недвижимости; estate interest участническое право в недвижимости;
 estate interest in land право в недвижимости, связанной с недвижимо-
 стью; limited interest ограниченное право; statutory interest законное
 право, право присвоения законным
 liability отсутствие законности, неоснованно, основанное без законности
 investigate расследовать, рассматривать; to investigate a charge расследо-
 вать уголовное дело; to investigate и solve расследовать преступление

J

jail тюрьма; city jail городская тюрьма
 judge судья; judge in court судья в судебном заседании; associated judge
 судебный заседатель; chief judge председателествующий судья
 judgment судебная резолюция; judgment for the defendant резолюция в пользу
 ответчика или подсудимого; judgment for the plaintiff резолюция в

пользу истца; *judgement for the defendant* решение в пользу обвиняемого

judicial отнесенный к правосудию; систем судейских органов; линия судебной профессии

judiciary суд, судебная система, судостроительство, линия судебной профессии, судейский

judicial юридический, законный; судебный

judicially отнесенно правосудия, юридически; поделовенности; судейски; кратко

judicially консультирование, правосудие, судейски; кратко

judge юрист, юрист-учебный; *judice* юридический

judge член системы правосудия; юридический; кратко

judge правосудие; суд правосудия

judice справедливость, правосудие, истинная, правда; *to administer justice* осуществлять правосудие

justify оправдать, климат, обосновать; *to justify itself* оправдаться с юридической точки зрения

K

kill убить; *to kill somebody* убить умышленно

kill кровное родство

killer психопатолог

killingly and *killingly* умышленно и по своей воле

knowledge знания, осведомленности; *actual knowledge* фактическое знание (обстоятельства дела); *direct knowledge* сведения из первоисточника; *reliable/know* *knowledge* признания судом доказанных фактов; *actual knowledge* достоверная осведомленность

L

law право, закон; общее право; судебная процедура; истинная, юрсты; *law in force* действующее право, действующий закон; *to apply the law* создавать новую правовую норму; *to elaborate the law* разрабатывать закон; *to make laws* законодательствовать; *to practice law* заниматься юридической/адвокатской практикой; *law of* *empires* колониальное право; *law of crime* уголовное право; *law of equity* право справедливости; *law of honor* кодекс чести; *law of nations* право наций, *empires* право; *law of procedure* процессуальное право; *mercantile law* торговое право; *penal law* уголовное право; *private law* частное право; *property law* право собственности, *maritime law* морское право; *public law* публичное право; *religious law* пра-

улицией смягчение, уменьшение; mitigation of damages уменьшение суммы возмещаемых убытков; mitigation of punishment смягчение наказания

матраде неотлучный залог, заложенный

murder тяжкое убийство; attempted murder преднамеренное тяжкое убийство; capital murder тяжкое убийство, караемое смертной казнью

Н

non-suit неспособность, неспособность

non-suited морально-экономично

non-suited (1) лицо, не являющееся постоянным жителем; 2) лицо, проживающее вне пределов юрисдикции

notice предупреждение, уведомление; notice of action уведомление о подаче иска; notice of alibi предупреждение о намерении заявить алиби; notice of appeal уведомление об апелляции; notice of copyright охрестки (на печатном издании) об авторском праве notified извещенное, уведомление; notification of intention уведомление о намерении

О

oath клятва, клятвенно

oathsworn изданный; objection in point of law возражение правового характера; legal objection возражение в суде

obligation обязательство; to owe an obligation выполнять обязательство; simple obligation безусловное обязательство; statutory obligation обязательство, основанное на законе

offence правонарушение, преступление; offence against the law нарушение закона; offence against the rules преступление против личности; offence of assault преступное насилие; voluntary offence преступление, признанное преступником

offend нарушить, досажать; to offend the law нарушать закон; offender правонарушитель

officer должностное лицо, чиновник, служащий; legal officer служащий судьи

official должностное лицо, чиновник, служащий; officialный; official также official чиновник административной власти

omission упущение, бездействие; omitted omission преступное бездействие; voluntary omission умышленное бездействие

opponent противная сторона

order приказ, предписание, порок; order for the defendant судебный приказ о явке ответчика в суд; order of court судебный приказ; agent

order судебный приказ об аресте; order of remittitur приказ о возвраще-
нии; order of the day приказ дня
order закон, обязательное или закон; to order обязывать или закон
order здесь; corporate order собственник-корпоративное лицо; legal
order законный собственник

Р

reach список (приказное, приговор)
party сторона (no party, с доказат.); party обвиняемый; party in
possession владеющий (в суде) сторона; party in fault виновная сторо-
на; party in debt сторона, не выполнявшая своих обязательств
result штраф, наказание; result of fault штрафная сумма; fault result
наказание; result of fault штрафная сумма
rebuttable исконное, поворотное; rebuttable presumption безоговорочно;
part частичное исключение
rebuttable presumption
plaintiff истец
plead заявить (с суда), отвечать на обвинение; to plead guilty признать
себя виновным; to plead not guilty заявить о своей невиновности; to
plead ignorance сослаться на незнание
power of attorney полномочия; доверенность
precedent прецедент; to follow the precedent следовать прецеденту; applica-
ble precedent применимый прецедент; binding precedent прецедент,
навязывающий обязательство
presumption презумпция, предположение; presumption of guilt преду-
положение виновности; presumption of innocence предположение невиновности
principal доверитель
prima facie; to find in prima открывать в начале; prima facie предположитель-
ное доказательство положительности заявления
process осуществлять процессуальные действия; to process criminally
преследовать к уголовному процессу
proceedings иск, рассмотрение дела в суде; proceedings in open court от-
крытое судебное заседание
process приказ суда; процедура, судопроизводство; criminal justice process
уголовное судопроизводство; to process прогонять в судебном по-
рядке; to process a case возбуждать обвинение
proof доказательство, доказательство
property собственность, право собственности; immovable property недви-
жимое имущество; movable property движимое имущество; intellectual
property интеллектуальная собственность
promissory обещание; witness to promissory свидетель обещания

вредным условием, постановлением, положением (директн, законн)
решно проследоваться, проводить; to решно а сдвн вести дело

Q

вопросом допрашивать

questioning допрос; also questioning допросный допрос; oral/questioning допрос в тюрьме

R

reading чтение (законопроекта); first reading первое чтение

реальная причина, основание, мотив; reason for decision юридическая мотивировка решения

ресурсы растение, кантация; resourse получатель; authorized resourse уполномоченный получатель

новой запись, протокол; record of activities протокольная запись, социальский показатель; record армия; to record записывать, протоколировать

редакция науки законченного государства

реальное соображение, указание; remark; legal reasoning соображение на правовую норму; essential reasoning дополнительная соображение

registering чиновник-регистратор

right право; правомырный; as of right во право; right of access право доступа; right of conscience свобода совести; right of suit право обратиться в суд; right of defence право на защиту; right of ownership право собственности

rule правило, норма; rule постановление; rule of procedure правила судопроизводства; rule of evidence нормы доказательственного права; to rule устанавливать правовую норму; to rule in its own right полностью решение в собственном представительной компетенции

S

satisfy 1) удовлетворить, удовлетворить; 2) быть удовлетворенным, при рассмотрении законом

satisfy безопасность; обеспечение; удовлетворенность; sufficient satisfaction дополнительное обеспечение

sentence приговор; to sentence to 5 years of imprisonment приговорить к 5 годам лишения свободы

serve 1) служить (судебный документ); 2) отбывать (срок наказания); to serve sentence служить судебную повинность; to serve a term отбывать срок

service служба; исполнение постановления суда; intelligence service служба разведки; public service государственная служба
 signature подпись, подписка; signature by person(s) подпись по доверенности; арестован signature образом подписи
 sitting заседание; sitting in opena рассмотрение не в открытом судебном заседании
 sitting account
 statement заявление, утверждение, формулировка; statement of law заявление по вопросу права; statement of witnesses persons обвинение
 state гражданское состояние; statute закон, законодательный акт, статут; соiled state конфиденциальный статут; statutory предусмотренный законом, законный
 subject 1) поданный; 2) предмет (договора, иска); subject of law субъект права; subject of litigation предмет тяжбы
 sworn присягнувший, присягнувшие
 tax прельщать иск или обвинение
 suit иск, преследование по суду
 under under в суд
 under of age несовершеннолетний; under of age главный несовершеннолетний; to under of age несовершеннолетний

T

tapping осматривать (показания) гласноушечным устройством
 taxation владение (фактически земле) на правах аренды
 tell сказать, сказать, содержание (документов)
 tenure владение недвижимостью; пребывание: а) должность; the tenure полная землевладение обязанности; the tenure 1) недвижимое владение собственности; 2) пребывание в должности судьи; tenure tenure пребывание в должности судьи; tenure of office пребывание в должности
 testimony заключение
 testify сказать, показывать; testify to testify передать свидетельских показаний
 testimony свидетельское заключение; verbal testimony устные свидетельские показания; written testimony письменные свидетельские показания
 title 1) титул, звание; 2) правоустановление
 title гражданское правонарушение
 to обвинять правонарушителя
 to обвинять сказать; to обвинять of right сказать по переписи прав; to обвинять to обвинять в действительности сказать
 to обвинять сказать; to обвинять to обвинять государственного министра

суд судоустройство, судное дело, слушание дела (судим
народной комиссией)

судный орган правосудия, суд специализированный правосудия; arbitral tri-
bunal третейский суд, арбитраж, арбитражный коллегия; arbitral tri-
bunal суда наместий наместники по трудовым спорам; land tribunal зем-
ельный суд

суды 1) суда; 2) восстановление имущества на началах доверительной
собственности, доверительная собственность

судья доверительная собственность

судья учредитель доверительной собственности

Т

тариф арбитр, суперарбитр

таблетка незащищенный

таблетка инфоформационный, информационный (дизайн)

таблетка беспристрастный

таблетка обмена правами; эксклюзивный; симметричный таблетка торговый
область; local таблетка местный область

У

таблетка юридически действительный; таблетка юридический закон

таблетка решение правосудия; in таблетка a таблетка наместник правосудия; verdict of
court таблетка об оправдании; guilty verdict таблетка о виновности
таблетка доверительный

таблетка правосудия (право, закон)

таблетка не имеющий юридической силы

У

таблетка отказаться (от права, требования); tablet документ об отказе (от
права, требования)

таблетка торговый сертификат

таблетка приказ, предложение

таблетка императивный, указательный, сознательный

таблетка свидетеля; in таблетка быть свидетелем (что-либо)

таблетка судебный приказ; writ of habeas corpus о выводе в суд по поводу о воз-
мещении домашнего долга

таблетка-дизайн признание права, ущерба; правонарушение

References

1. *Barker David and Fogfield Colin. Law Made Simple. Eleventh Edition, Oxford, 2005.*
2. *Biley Alison English for Law. London: Macmillan Publishers, 1996.*
3. *Англо-русский юридический словарь / С.Н. Ананин, А.С. Берсен, А.С. Никитин. М.: Русский язык, 1993.*
4. *Басинков М.А. Толковый юридический словарь. М.: Феникс и статистика, 2004.*